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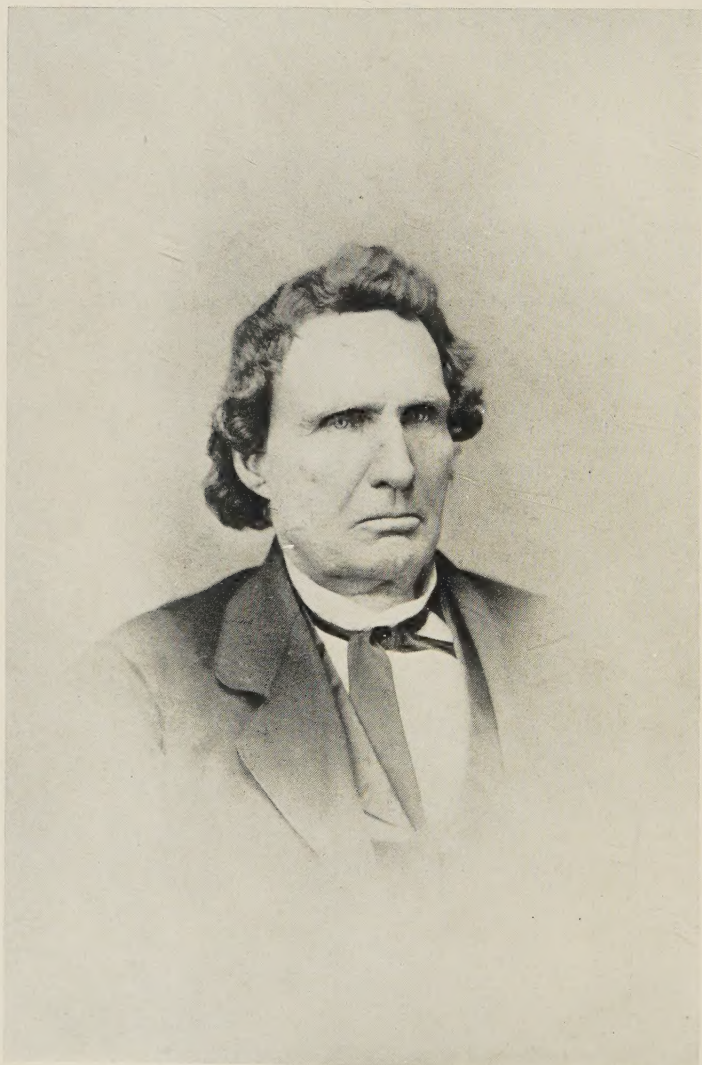
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THE LIFE OF THADDEUS STEVENS



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THADDEUS STEVENS AT 72

THE LIFE OF THADDEUS STEVENS

A STUDY IN AMERICAN POLITICAL HISTORY, ESPECIALLY
IN THE PERIOD OF THE CIVIL WAR AND
RECONSTRUCTION

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PREFACE

The period of the Civil War and the Reconstruction of the Union has been the subject of more historical inquiry and production within recent years than has any other in American history. The books, essays, magazine articles, monographs and reminiscences that have been devoted to this period indicate the prevalent interest which the epoch holds for many men of many minds. As the period recedes in time and other events of moment come and go, there may be a recession in this interest, but it is not likely permanently to decline. As the history of modern Europe still centers about the French Revolution, so will the tremendous upheaval of the Civil War continue to occupy the center of the stage in the history of the nineteenth century in America. That struggle has been called from the bench of the Supreme Court of the United States "the greatest civil war known in the history of the human race." It is but natural, indeed inevitable, that generations of Americans should be interested in a struggle that has so vitally affected the history and destiny of their nation.

Thaddeus Stevens was the dominant figure in the American Congress during this notable period. It may reasonably be claimed that no more masterful leader ever directed the politics and legislation of the House of Representatives. The House under Stevens was not ruled by a system that created a one-man official power. A man then led the House according to his strength and the strength of his cause. Stevens was given no set of rules that arbitrarily suppressed

PREFACE

opposition.⁷² The House following was free to act; it was free to accord or to withhold support, and Stevens, while the recognized leader, often found himself defeated and frustrated in the ends that he wished to accomplish. But there is no doubt of the preeminence of Stevens' personality in the House in the War decade, and it may be said that for a part of this decade he led both the House and the nation by the sheer force and energy of his mind and will. He was the strong man in the arena, and it seems fitting that these consecutive studies in Civil War and Reconstruction should be gathered around the life and career of this Congressional leader.

During the War, under the leadership of Lincoln, the presidency was the dominant department of the government. In Reconstruction the presidency was subordinate, if not impotent, and the Congressional arm of the government was all-powerful. In that period the leadership of Stevens, especially of his party majority in the House, was unquestioned. His career there and his speeches throughout the bitter period of war and the more bitter strife that followed the war offer a subject for study that no historian can neglect. It can hardly be claimed that this biography makes a full or adequate presentation of any part of Stevens' career; nor, in view of the great amount of matter that has been published on this era, that it throws a great deal of new light upon the period in which he figured so largely. But it may be claimed, however, that it does enable Stevens to speak more fully for himself than he has been allowed to do by others who have treated in a more limited way his principles and policies. The biography also brings into greater prominence, and presents, as I have ventured to believe, a more equitable review of Stevens' opinions and agency

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in the important financial controversies of his times in which he took such a vigorous part.

Stevens' views on money and finance have usually been referred to as errors and vagaries by orthodox writers on finance as well as by most of the historians of the time. But these views may hardly be said to have been fully and impartially presented by many of those who have been most severe in their criticisms. It is due to Stevens that in any treatise on his life and times, the "other side" of the financial issue for which he so stoutly and constantly stood should be more adequately presented. Wherein this biography appears to condone his "errors" or show too much sympathy for his "heterodoxy" it will, of course, be subject to the same condemnation and rebuke with which Stevens' financial utterances were always visited in his day. But it is believed that his cause is better understood than it was in his generation and that if it is not approved by academic economists it will at any rate find more support, sympathy and appreciation than in former days among thoughtful and intelligent students of finance.

I am indebted to Honorable Samuel W. McCall's excellent brief *Life of Stevens*; to Mr. W. U. Hensel, of Lancaster, Pennsylvania, for his study of *Stevens as a Lawyer*, and to Mr. Hensel and other citizens in Lancaster for help in other ways; to my colleague, Professor William A. Rawles, for helpful suggestions in certain parts of the volume; to Mr. Herbert Putnam, Librarian of Congress, for liberal privileges in the use of the Stevens letters and manuscripts in the MacPherson papers that are yet unpublished. The scope of the volume has permitted the use of these papers to but a limited extent. It is to be hoped that some student of the period will soon edit and bring to the light these letters and papers which the late Edward Mac-

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Pherson had intended before his death to make the basis of a full and adequate presentation of the life, letters and speeches of Thaddeus Stevens. This biography is offered not as such a work, but rather as merely a further contribution to the study of an important period and character in our history.

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Indiana University, Bloomington.

January 8, 1913.

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THE LIFE OF THADDEUS STEVENS

THE LIFE OF THADDEUS STEVENS

CHAPTER I

EARLY DAYS

THADDEUS STEVENS was born in Danville, Vermont, April 4, 1792, the year following the admission of Vermont to the Union. His parents had come from Massachusetts a few years before, in a family migration with the Harrises, Morrills and others. The mother of Stevens was a Morrill, who, judging from all accounts that have come down, was a woman of the finest and highest type. The father was not thrifty nor enterprising and did not succeed in providing very well for his family. He was a shoemaker; and the son, Thaddeus, learned enough of the father's trade to enable him to make shoes for the family. Through all his long life Thaddeus Stevens was seldom heard to refer to his father, and perhaps he knew little about him. He spoke of his father's great reputation as an athlete, and Thaddeus remembered that his father had been known as the champion wrestler in all the country round. The later years of the elder Stevens' life appear to be wrapped in mystery. Some say that he left his family soon after settling in Vermont, and was never heard of again. Another tradi-

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tion is to the effect that he was killed in the War of 1812; while still others assert that he died at home when his children were very young.¹ Certain it is that the mother, with four little children, all boys, was left in dire poverty. Thaddeus, the youngest, and the mother's favorite, came up through adversity and the trials of penury. He never ceased to recall with affection and gratitude his mother's love and sacrifices for him in these trying years.

Stevens grew up in a democratic society. The Revolutionary War was a recent event at the time of his birth, but ten short years having elapsed since its close. Its heroes and its issues were fresh in mind and that great struggle was generally thought of as a conflict for human equality and the rights of man. The early settlers in Vermont who had borne their fair share in the Revolutionary struggle, were an honest, rugged, independent God-fearing people. The great mass of them were engaged in making a plain living by industrious toil, and an aristocracy of wealth and rank was practically unknown. Men were not measured by the property they had, but were recognized for what they were, for what they could do, for what service they were able and willing to render to the community. Men and women alike were hardy toilers, and there was a neighborliness among them that led them

¹ Stories are told to the effect that the paternity of Thaddeus Stevens is wrapped in mystery, and a former resident of Lancaster asserted that circumstantial and documentary evidence once existed to show that he was the illegitimate son of Count Talleyrand, who, in the year of Stevens' birth, was a visitor in America. This may be only irresponsible gossip about the family of Stevens, but it will serve to show the kind of stories that have gathered in undue volume around Stevens' name.

to share one another's burdens and to respect one another's virtues. There were no rich to be oppressors; luxury was unknown and the poor were not despised. In such a social surrounding Stevens grew up, all his early impressions being calculated to implant in his mind hatred of privilege and of all inequalities that may be promoted by artificial restraints and favors of government.

Stevens, besides being lame from birth, was a sickly youth. He seemed too frail and tender to earn his living by manual toil. This fact may have been, in part, the reason why his mother determined to send him to college; but it must also have been true that she detected within him a talent and disposition that education and a college training were likely to develop. The mother must have perceived the great intellectual possibilities of the son, and she wished, above all, to provide for him opportunity for growth and a career. She must have been led many times to ponder in her heart the sayings and inquiries of a bright boy. Stevens was sensitive to her suffering, to her spirit of sacrifice and self-denial. One of the lasting memories and impressions of his childhood was of his mother's service during a plague of the spotted fever in Danville and the surrounding country. At a time when so many were stricken that medical attendance and nursing could not be secured, Mrs. Stevens was untiring in her devotion and attention to her stricken neighbors, to those in worse circumstances than herself. She ministered to their wants, going from house to house and relieving their suffering in every possible way. Young Thaddeus was frequently taken with his

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mother upon these errands of mercy, and the impressions that he received from the suffering that he witnessed, combined with his own experience in lameness and illness, led him to a keen and lifelong sympathy with suffering which was one of the notable traits of his character.¹

In later years Stevens gave frequent tributes to his mother's virtues. In one of these expressions, recalling her early hardships and poverty, he said :

"I really think the greatest pleasure of my life resulted from my ability to give my mother a farm of two hundred and fifty acres and a dairy of fourteen cows, and an occasional bright gold piece which she loved to deposit in the contributors' box of the Baptist church, which she attended. This always gave her much pleasure and me much satisfaction. My mother was a very extraordinary woman. I have met very few women like her. She worked day and night to educate me. I tried to repay her afterwards, but the debt of a child to his mother, you know, is one of the debts we can never pay."

The county court with its court-house was settled at Danville, but a county academy was established in Peacham, an adjoining town, and Mrs. Stevens moved from Danville to Peacham to educate her boys. To her mind the schoolroom was better than the court room. The Peacham Academy, established in 1795, has had a long career of usefulness, and in its early days it attained an enviable reputation as a good fitting school for college.

Stevens' academy days there were without unusual event. The one event that has survived the humdrum

¹ McCall, p. 8.

of his school life was his rebellion, with twelve other students, against a rule forbidding "tragedies, comedies and other theatrical performances." The rebellious students were censured by the board of control for proceeding to exhibit a "tragedy" on the evening of September 4, 1811. This was denounced by the authorities as "contrary to the known rules and orders of the school and the express prohibition of the preceptor, a gross violation of the rules and by-laws of the institution, tending to subvert all order and subordination in said school, and to disturb the peace of the Society." The students were required to sign articles of submission asserting that upon reflection they were convinced that they had done wrong, and promising that as long as they continued students of the academy they would observe the rules laid down by the board. It is said that Stevens signed this paper with reluctance and chagrin, and that he soon thereafter completed his preparation for college.

Stevens entered Dartmouth as a sophomore in the fall of 1811 in his twentieth year. He spent one or two terms of his college life in the University of Vermont (1812-13), but he returned to Dartmouth and graduated there in 1814.¹ Then, as now, Dartmouth

¹ A story is told of Stevens' life while at the University of Vermont, which illustrates his character. An obstinate farmer insisted upon letting his cow run loose for pasturage on the college campus. This was irritating, especially at commencement time, and some of the students made way with the cow. Stevens and another student had killed the animal, perhaps while carrying a practical joke farther than they intended. The irate farmer demanded payment and a certain student who was altogether innocent of the deed, but whom circumstantial evidence seemed to convict, was about to be expelled from college. Stevens and his guilty comrade could not see the innocent suffer for their wrong-doing while they escaped by silence. They deter-

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was one of the leading colleges of New England. It then numbered, approximately, as many graduates in a decade as Harvard, Princeton, or Yale, and its president and faculty were as well-known in the world of learning. Doctor John Wheelock, the son of the distinguished Eleazar Wheelock who had founded Dartmouth nearly half a century before, was President when Stevens came. George Ticknor had graduated there in 1807 and Daniel Webster in 1801.

It was a restricted classical course that was laid out for Stevens in his college days, consisting chiefly of the Latin and Greek classics and the higher mathematics, with the addition of mental and moral philosophy, and perhaps a study of the Greek Testament.

Stevens studied well, appreciating his time and opportunity and keeping in mind, no doubt, the sacrifices of his mother for his education. His training in the classics gave accuracy and precision to his style of speech, and while in his subsequent public speeches he professed to despise form and rhetorical rules, the clearness of his thought and the directness and force of his speeches gave to his sentences a grammatical quality that would always stand the test of criticism. His classical studies and logical mathematical processes always stood him in good place.

Stevens was twenty-two when he graduated from Dartmouth. He had determined to study law, and

mined to make a clean breast of the matter and confessed fully to the owner of the cow. He generously refused to take pay for his lost property and shielded the culprits while exonerating the student under suspicion. The interesting sequel of the story is that years afterward Stevens, who was ever mindful of a friendly act, sent the farmer a gold watch and chain with a draft for more than the value of the cow. (McCall, p. 18.)

in order to support himself while pursuing his studies, he taught for a year in Peacham. The following year, moved partly by the spirit of youthful venture and from a desire to find a wider opportunity for the future practise of his chosen profession, he went to York, Pennsylvania, where through the influence of Samuel Merrill, a friend and former teacher of Stevens, he had secured a position as instructor in the academy of York. This important step in Stevens' life was promoted primarily by the influence of Merrill. Samuel Merrill was a Peacham boy and, like Stevens, was a graduate of Dartmouth. He and Stevens seem to have been very close friends. In a letter written by Stevens to Merrill in 1814, a gossipy account is given of marriages and other personal matters in Peacham and of college affairs at Dartmouth. He spoke of an uncommon epidemic at Peacham,

"which it is sincerely hoped will thin the ranks of our old maids and send their withered ghosts to the dominion of that old tyrant Hymen." He told of the literary societies at Hanover; that "Old Josh Holt is President of the fraternity;" that "Joseph Tracy, Gent. has been loaded with Phi Betian honors, Kent likewise;" that "Fisk is the Social's orator. Sam Wells hopes to be the Frater's, but is loosing [?] popularity. Charles Leverett has entered into the service of the aristocracy, in the capacity of scullion; and it is expected, as a reward for his services, he will be knighted, i. e., elected Phi Betian." . . . "Those fawning parasites who are grasping at unmerited honors, seem for once to have blundered into the truth,—that they must flatter the nobility, or remain in obscurity; that they must degrade themselves by sycophancy, or others will not exalt them. The democracy rule in the fraternity. The aristocracy make threatening grimaces, but it is only sport for us

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poor plebeians." . . . "Friend Sam, I assure you, you can hardly conceive the anxiety your friends feel for you in that distant country. Considering you exposed to the invincible charms of those fair Dutch wenches, with their dozen pair of petticoats, they are really afraid that you will lose your heart or get lost with Goodie Twiller's ladle, in one corner of their pockets; that filthy lucre will induce you to become the son-in-law to some Ten-Breeches, and then we shall despair of seeing you again."

Stevens in his letter then spoke of his anticipated graduation from Dartmouth the following August,—“unless honored with degradation”—and then he would confront the necessity of entering into a school. “If you think,” he wrote, “that I could be sure of employment in Pennsylvania, I should like very well to come into those parts. If you know of any vacancies and could assist me, without trouble to yourself, you would do me a favor.” He closes with his compliments to Merrill's brother and to Mr. Blanchard.

This letter explains Stevens' coming to Pennsylvania.¹ It shows a feeling that was a part of his

¹ The Samuel Merrill to whom Stevens wrote, was a man of unusual parts, who became one of the pioneer commonwealth-builders of Indiana. He removed to Indiana in 1816, the year in which the state was admitted to the Union. He was a member of the Legislature which selected Indianapolis as the capital of the state, and he assisted in giving the name to the capital city. He was elected Treasurer of State in 1820, a position which he held for twelve years. In 1820 he helped to remove the state archives and property from Corydon, the old capital, to Indianapolis. After retiring from the state treasurership, he helped to organize the State Bank of Indianapolis and was its President for many years. This was one of the few state banks of the time to win financial success and honor. Merrill afterward became President of the Indianapolis and Madison Railroad, the first railroad in Indiana. He died in 1855, an honored citizen of the state. His descendants have won distinction in the civic and educational life of Indiana, in the professions and in business, and many of them have rendered notable service to the commonwealth.

whole life, of sympathy and fellowship for the "poor plebeian" against the "aristocracy." His remarks about the "Pennsylvanian Dutch" were merely idle cajolery and should not be taken to indicate a lack of sympathy or appreciation of that worthy stock with many of whose representatives Stevens afterward entered into many and enduring ties of friendship.

At York in Pennsylvania, a county seat of importance, Stevens pursued the study of the law. As a teacher and as a student of law, he was diligent in his studies and retiring in his habits. He had begun his legal studies in Vermont under Judge Mattocks; he now continued them diligently in York under David Casset, a leader of the local bar.

The familiar account of his admission to the bar was afterward related by Stevens. For some unexplained reason he did not apply for admission in York. Some rule of bench or bar may have made his admission difficult if not impossible, probably the rule that forbade a man's admission to the bar while he was pursuing some other occupation. At any rate he rode on horseback to Bel Air, the county seat of Harford County, Maryland, the adjoining county to York, and presented himself, an entire stranger, for membership at the bar. Theodore Bland, Zebulon Hollingsworth, and Joseph H. Nicholson were the judges presiding. Their committee on the examination of the applicant learned that young Stevens had read Blackstone, Coke upon Littleton, Gilbert on Evidence and a work on Pleading, and that he knew some of the elementary legal definitions. Before this strenuous examination began, the aspiring candidate was informed that a

couple of bottles of good Madeira were requisite, and as the examination drew to a close two more bottles were required. As the quality of Stevens' wine passed the sampling process of the dignified judges, his certificate was signed and he was duly admitted to the bar. The "subsequent proceedings" consisted of a game of "fiploo" before a crowd of spectators, a game that was new to Stevens and in which he lost a considerable part of the fifty dollars that he had brought with him to court. The minutes of the court recording his admission are as follows:

"Upon the application of Stevenson Archer, Esq., for the admission of Thaddeus Stevens, Esq., as an attorney of this court, the said Thaddeus Stevens is admitted as an attorney of this court and thereupon takes and signs the several oaths prescribed by law, and repeats and signs a declaration of his belief in the Christian religion."

A son of this Stevenson Archer, bearing the same name, entered Congress in March, 1867. After he was sworn in, Stevens came over and shook hands with him and inquired whether he was the son of the Judge Archer, of Maryland, on whose motion Stevens had been admitted to practise law. On learning that such was the case, Stevens indulged in the reminiscences from which this account is substantially drawn.¹

The day after his admission to the bar, Stevens rode back to Pennsylvania. He narrowly escaped drowning while crossing the Susquehanna at McCall's Ferry. He revisited York, but decided not to settle there. He

¹ Hensel, W. U., *Thaddeus Stevens as a Country Lawyer*, p. 4.

went to Lancaster and inspected that flourishing and interesting town, but for some reason unknown he turned aside from its opportunities and went to Gettysburg, the county seat of Adams County, the town that has given its name to the most famous battle in American history. There he settled to begin practise, starting "upon his career as a lawyer, without friends, fame, family, or fortune."¹

For a number of years in Gettysburg he experienced the life of the struggling young lawyer. On a meager budget of income and expenses and while waiting for clients, he spent his leisure hours in intelligent and diligent reading, thus adding to his store of literary and historical knowledge that he was afterward able to draw upon with such effect. His success at the law seemed at first doubtful even to himself. But it was not long until a case came to him by which he was able to attain to success and reputation. He was called upon to defend a murderer, a defense that no other lawyer seemed willing to assume. Stevens undertook the case and managed it with such ability, adroitness and skill that, while he was not able to secure an acquittal for his client, who was notoriously guilty and was hanged for his crime, he attracted attention and favorable comment from the bar and from the community. Stevens put up a plea of insanity for his client, which was not a very usual plea in those days. Stevens himself believed in the plea, since many years later, after he had been the attorney for the defense in more than fifty other murder cases, in all of which he

¹ Hensel, W. U.

was successful, he asserted that every one of the defendants deserved conviction but this one, who, as Stevens averred, was insane.

It is asserted that Stevens received a fee of fifteen hundred dollars in this case. This has been doubted, as it is thought unlikely that such a fee in those days would be paid to an unknown local lawyer by a murderer who was unable to have his case appealed, and who was hanged for his crime. But it is certain that Stevens ever looked upon this case as the beginning of his professional success.

He soon came to the front of the Adams County bar, with a general and lucrative practise. From 1821 to 1830 he appeared in almost every important case at the local bar, and in the various appeals to the Supreme Court in which Stevens appeared he won in nine out of ten, securing six reversals from the decision of the lower court. He was now the recipient of lucrative fees, he had won local fame as a lawyer and had attained honorable standing and reputation throughout his adopted county. He was ready, well equipped, and the time had come for his entrance into public life.

CHAPTER II

THE EARLY 'ANTI-MASON

STEVENS' first appearance in public life was in 1833, when he became a member of the Pennsylvania Legislature, from Adams County.¹ He had formerly been in sympathy with the Federalist party, and after the disappearance of that party he took no active part in politics until the appearance of the Anti-Masonic party in 1829. The disappearance and probable murder of Morgan in New York State had caused much agitation against the Free Masons, and a political party arose pledged to oppose the power and influence of this oath-bound secret order whose members, it was asserted, were banded together to control the government and to direct or prevent the administration of the courts and the laws in their own interests. Stevens became one of the adherents and leaders of this new party in Pennsylvania. He re-

¹ This, Doctor McCarthy, the historian of the Anti-Masonic party, calls the most significant fact in the history of Anti-Masonry in Pennsylvania. At this time Stevens was described by one of his political opponents as "a lawyer of much cunning and adroitness and of considerable celebrity. He was originally an Eastern man, and has been all his life a uniform and undeviating Federalist, a warm friend of John Quincy Adams and a violent opponent of General Jackson. He is now the great luminary of Anti-Masonry in Adams County, within whose orbit all the lesser planets of the new system revolve and reflect the light he dispenses." *Pennsylvania Reporter*, March 23, 1830, cited in McCarthy's "Anti-Masonic Party," *American Historical Association Reports*, 1903, p. 456.

garded Masonry as an *imperium in imperio* and he did not hesitate to denounce the lodge as "a secret, oath-bound, murderous institution that endangered the continuance of Republican Government."

In 1829 the Anti-Masonic party in Pennsylvania, with Stevens as one of its leaders, made a campaign for the governorship, running Joseph Ritner as its candidate for Governor. In 1831 this party held a National Convention and nominated William Wirt as its candidate for President. Stevens was one of the prominent figures of this convention, the first in the history of American politics after the pattern of the modern presidential nominating convention. Among other prominent supporters of this strange new party were J. Q. Adams, William H. Seward, John Marshall, Richard Rush, Amasa Walker, Myron Holly, and William Slade.

As a member of this first historic nominating convention Stevens made a notable speech arraigning the unrepblican spirit of Free Masonry. He complained of the unfair and discriminating silence of the press. The papers had made no mention of the convention and the people scarcely knew of it. "Not one-fourth part of the people of Philadelphia know that you are in session," and this he regarded as evidence enough that there was "an influence operating higher than human curiosity and higher than the laws of the land." You are here in the presence of grave charges brought against public men and facing important disclosures of vital interest to the public, "yet the papers which surround you are as silent as the grave," while on

the other hand, the opposition press "brand the efforts of Anti-Masonry with infamy."

Stevens proceeded to defend the morality of the men who had disclosed the oaths and secrets of Free Masonry. He denounced the lodge as an improper banding together of men under oath of mutual support, to secure immunity in improper conduct and to promote one another to improper place and power,—to secure power for other than public ends in every place where power is of importance. "Look around: Though but one hundred thousand of the people of the United States are Free Masons, yet almost all the offices of high profit and high honor are filled with gentlemen of that institution. Out of the number of law judges in the State of Pennsylvania, eighteen-twentieths are Masons; and twenty-two out of twenty-four states of the Union are now governed by Masonic chief magistrates. Although not a twentieth part of the voters of this commonwealth, and of the United States are Masons, yet they have contrived, by concert, to put themselves into eighteen out of twenty of the offices of profit and power. I defy contradiction to this statement."

Since this was so, Stevens wished to know whether it was because the uninitiated were not fit for office or whether the members of the lodge acted secretly upon the malign principles that had been disclosed. He further denounced Masonry as an irreligious and blasphemous institution, and he called upon the people to exclude "with a sorrowful but determined force, from all places of power, those who still belong to the

institution, and to put them out from all communion with the holy and the good.”¹

It was as a member of this party and with firm convictions in its cause that Stevens came to the State Legislature of Pennsylvania in 1833. He soon offered a resolution proposing to inquire into the expediency of a law making membership in a Masonic lodge sufficient cause of peremptory challenge in court, when one of the parties, and not both, was a Mason, and in all criminal cases if the defendant was a Mason; and that a Masonic judge should be barred from trying a case if one of the parties in the suit was a Mason. This resolution of Stevens was defeated by the narrow margin of eleven votes.

Stevens believed that Masonry, standing for secrecy, “implied shame and guilt”; that the members of the order, if called upon to act as witnesses, magistrates, sheriffs, jurors, or legislators, would violate their oaths and their most sacred obligations in these civil relations; that they would spirit away witnesses, perjure themselves in court, and do whatever they found necessary to prevent the attainment of judicial justice, in order to shield their fellow-members. Accordingly he and the honest men of his party believed that Masonry threatened the existence of free institutions.

In 1834 Stevens offered another resolution in the Legislature, instructing the judiciary committee to bring in a bill for the suppression of Masonry. This also was defeated, but in the following year he secured the appointment of a committee to investigate the evils of Free Masonry and other secret societies. As the com-

¹ Speech, 1831, *Christian Cynosure*, April 5, 1883.

mittee had no power to commit witnesses for contempt, it could not compel the Masons whom it summoned to testify, and consequently its investigations amounted to but little.

This committee service, however, gave Stevens an opportunity to make a report, and this he couched in characteristic language. It was desirable, he said, that the government and the judges of the courts should be summoned as witnesses. This would enable the public to learn how far Masonry secures political and executive power; whether applications for office have been founded on Masonic merit and claimed on Masonic rights; whether the "significant symbols" and the "mystic watchword" of Masonry have been used in procuring executive patronage; how many convicted felons who have been pardoned by the present government are "brethren of the mystic tie" and connected by blood and politics with members of that institution; and whether, before the judges, "the grand hailing sign had ever been handed, sent, or thrown to them by either of the parties litigant, and if so, what had been the result of the trial."

One at this day is disposed to have very little sympathy with the designs of the Anti-Masons and he reads with some amazement that so many men and so many leading minds were led to become members of this ephemeral party. But if one examines carefully into the motives governing the members of the Anti-Masonic party and of its leaders, like Stevens, he will find that the movement was very largely prompted by an earnest desire to secure freedom and equality among all citizens and to prevent the establishment of

orders and ranks that seemed calculated to promote special privileges among men. Here again it was Stevens' democracy and love of free institutions, his love of "equal rights and unshackled republicanism" that controlled him, that led him to become a promoter of the Anti-Masonic Movement. Whatever we may think of the peculiar tenets of this party it is entitled to respect for its fundamental political doctrine,—*the supremacy of the laws*. The honest Anti-Masons favored a government of laws, equally, openly, and justly administered, and it was their belief that Free Masonry was opposed to this fundamental principle of our civil institutions. The advocates of Anti-Masonry always and consistently contended that the selection of men for office should ever be subservient to these principles and never should these principles be subservient to the elevation of men. Such was Stevens' political faith. There can be no doubt of Stevens' deep and sincere convictions in the Anti-Masonic cause, and no one of its advocates could set forth that cause with greater ability or a more trenchant eloquence than he.

In 1835, in response to an invitation extended to him by citizens of Washington County, Maryland, Mr. Stevens attended an Anti-Masonic meeting in Hagerstown and delivered a speech. An extended extract from that speech may not be out of place, since it shows Stevens' youthful fire and illustrates the heated political literature of the Anti-Masonic conflict. Whatever one may think of the merit of his main contention he is bound to acknowledge the invigorating and courageous quality of Stevens' eloquence. Among other things he

said: "Wherever the Genius of Liberty has set a people free, the first object of their solicitude should be the destruction of Free Masonry and all other secret societies. Where tyrants rule they are fit engines of despotism, but under free republican government secret societies are dangerous and are not to be tolerated.

"The oaths of Free Masons are inconsistent with pure morals, true religion, and the permanent existence of liberty. . . . They swear to promote one another's political preferment. This vow is not a dead letter. It is acted on throughout the Union. Twenty of the twenty-four states are governed by Masons. They hold two-thirds of the offices. None but a Mason can be President. Henry Clay is Grand Master of Kentucky. All this monopoly of power is brought about by a band of men constituting less than one-twentieth of our voters. Surely there is a magic influence in Free Masonry. It corrupts the fountains of justice; stays the arm of the law; stops the regular action of government; binds the mind in darkness.

"Two things are indispensable to the continuance of national liberty,—the independence of the public press and the impartial administration of justice. The tyranny of Masonry destroys both. This prostituted harlot has entered the courts of justice and seduced the venerable judges into her foul embrace. They, too, seek to extricate their brothers, whether right or wrong.

"How can the evil be destroyed? Undermine its foundation,—the hope of power and place. It is founded on selfishness, love of gain, personal ambition, desire of emolument. Remove these or it will con-

tinue to flourish. Refuse to trust Masons with any office of profit or trust, until they are shorn of their locks and become as other men. Turn their weapons against themselves. Think not to dissolve this institution by appealing to their moral feeling. It would be useless to attempt to touch the feelings of the heart. They would but sneer. It is idle folly to address the sympathies of political partisans. Although they were touched in strains as tender as the mournful music of Orpheus, it would fall unavailingly on listless ears. It would sooner wring compassion from the heart of Cerberus and his infernal attendants.

“Has this institution outgrown the law, become stronger than the civil power, or the will of a sovereign people? Has this base-born issue of a foreign sire become so powerful, that even the Young Lion of American Liberty can not crush him? Is this bloody god too strong for us to overcome? Then let us tremble at his power, fall down, bow ourselves in the dust before him and supplicate his favor. For my single self I would rather be the victim of his fury than the slave of his favor.

“Some are afraid of being in the minority,—tame souls who delight to dwell on neutral ground, who tremble lest they should mistake the strong side, who hover around the confines of the battle-field ready to throw up their caps and shout hosannas to the victors. Such men we would advise to remain where they are, in dull and useless slothfulness. Those who are not with us in moral feeling we are better without. We want no hireling forces. Those who address themselves to this warfare must do it from love of country.

Who would not rather be vanquished with honorable associates than triumph with a horde of mercenary traitors? If you must fall you will have the consolation to know that you have lived while there was anything worth living for. . . . Who would not rather become food for worms while the lamp of liberty may yet light him to his grave than to survive its extinguishment, to grope through ages of the darkness of despotism, a trembling coward slave? Who would not rather sleep with honor in the Spartan's grave side by side with Leonidas and his little band of martyred patriots than to ride triumphant over a prostrate world with the principles and in company of Neroes and Caligulas? If any such recreant freemen there are, let them turn and flee." ¹

The Gettysburg *Republican Compiler* published a report of this speech in a letter from Hagerstown, and with the report, published some personal reflections upon the speaker, which became the basis of a suit for libel brought by Stevens. The letter described Stevens as "a stout man, about forty years of age, with a bald head, and lame." It charged him with impudence in presuming to instruct the citizens of another state,—no *foreign* influence should direct or control the course of the citizens of Maryland; it asserted that the speaker was incapable of feeling aright on any matter and that his speech was "a compound of the vilest slanders, most barefaced falsehoods and pandemoniac malignity against respectable citizens that ever fell from the lips of any man." With a jibe at Stevens' Yankee extrac-

¹ "Free Masonry Unmasked," 1835. Pamphlet of *The Historical Society of Pennsylvania*.

tion the writer asserted that "this Anti-Masonry was not born in Pennsylvania, but was imported from that part of our country whose people are proverbial for their tricks and frauds, as the venders of the most worthless and deceptive commodities,—flannel sausages, wooden nutmegs, and horn gun-flints."

This seems strong enough for ordinary political warfare, but there must have been other parts of the letter that were used in the successful libel suit that Stevens brought against the publisher, as the defendant, Jacob Lefever, was convicted, fined fifty dollars, and sentenced to three months' imprisonment. But Governor Wolf, a Mason, as Stevens expressed it, "extricated his brother by pardoning him."

Because of divisions among the Democrats, the Whigs and Anti-Masons combined were able to carry Pennsylvania in 1835. They elected Ritner, an Anti-Mason, to the governorship and these united parties controlled the lower house of the Legislature, and, on a joint vote, both houses. Stevens was regarded as one of the confidential advisers of the Governor, a member of his "Yankee Kitchen Cabinet." Some of the dissenting Democrats who had supported Muhlenberg for Governor against Governor Wolf, the regular nominee of the party, were inclined to vote with the Anti-Masonic-Whig combination. They were dissatisfied because of increased taxation resulting from the free school law and from canal construction. Governor Ritner interpreted this election as a triumph of Anti-Masonry and in his first message he asserted that the supremacy of the laws and the equal rights of the people should be maintained, "whether assailed by indi-

viduals or by secret sworn associations. The people have willed the destruction of secret societies and that will can not be disregarded."

On December 7, 1835, Stevens introduced into the Legislature a bill to suppress secret societies bound together by unlawful oaths, and on December 19, a committee of five, with Stevens as chairman, was appointed to investigate the evils of Free Masonry, with power to send for persons and papers. Stevens immediately summoned Ex-Governor Wolf and other political opponents to appear before the committee, and upon their refusal to take any notice of the summons he offered a resolution in the House "to compel the attendance of these and other delinquent witnesses." It was voted to bring these men before the committee by authority of the House. There was much excitement and an interested crowd of spectators came to the sessions of the committee to hear the secrets of Masonry revealed, and Stevens' committee was ridiculed and denounced by his Masonic opponents as "An Old Woman's Curiosity Convention," with Stevens as "Chief Old Woman," or the "Arch Priest of Anti-Masonry." The Masons who were summoned refused to answer the questions that were put to them, and each read a lengthy protest instead. Stevens then arranged to have twenty-five of them arraigned before the House and as "prisoners at the bar to be committed to the charge of the sergeant-at-arms until delivered by due course of law." The House soon tired of its prisoners and ordered their release, the Whig allies of the Anti-Masons failing to give their continued support.

Stevens' investigation was defeated, but in a speech

of March 5, 1836, he vowed everlasting opposition to the "unholy orders." "Sir," he said, "I will go home again in a minority, and call again and again upon the people and will either succeed in crushing that polluting order, which will sustain itself by trampling over the best interests of the country, or will go down to the grave never faltering in a righteous cause." He believed that the people would soon perceive that there was "no other question than Masonry and Anti-Masonry."¹

As the campaign of 1836 came on, divisions appeared in the ranks of the Pennsylvania Anti-Masons. Some favored the nomination of General Harrison for the presidency; but Stevens and the more radical members of the party protested. Stevens took it upon himself to submit a series of questions to Harrison. He wished to know whether Harrison believed that oath-bound secret societies were an evil and inconsistent with the genius and safety of republican government and whether he would join his Anti-Masonic fellow-citizens in using "constitutional, fair, and honorable means for their final and effectual suppression." Harrison answered that the attempt to exercise such authority might be conducive of more mischief than the evils it was proposed to remedy. The answer was not satisfactory to Stevens, and he threw the weight of his influence to Webster as the Anti-Jackson candidate. But a state convention of the Anti-Masons in December, 1835, refused to send delegates to an Anti-Masonic National Convention, and it proceeded to nominate

¹ McCarthy, "Anti-Masonic Party," *American Historical Association Papers*, 1903, pp. 474-475.

Harrison and Granger for President and Vice-President, whereupon the radicals led by Stevens protested and withdrew from further participation in the proceedings.

The seceding Anti-Masons proposed to hold a National Convention in May, and appointed delegates to it. Stevens and Amos Ellmaker were among the delegates appointed. The address which they issued throws light upon Stevens' extreme spirit of Anti-Masonry. This address charged that the Masonic-Whig State Convention which had declared for Harrison had been influenced, if not controlled, by Masons, or "strenuous defenders of the lodge," or by those who were made to believe that the road to patronage and public office led on through support of Harrison. This convention, the address asserted, had sat with closed doors, like a Star Chamber, and had voted down a resolution asking General Harrison to declare himself for Anti-Masonic principles. Stevens' address called upon every true Anti-Mason in the state to refuse to sanction this coalition, but to hold himself bound by the decisions of the National Convention soon to be held. There was to be no repose in defense of equal rights but the armor was to buckled on anew "to meet and again to overthrow the evil monster whose slightest touch is pollution."¹

This appeal was not effective in arousing a popular response; the policy of continuing a political party on the one idea of opposition to Masonry was dying out; the party was being absorbed into the general Whig movement, and the Whig National Convention having

¹ McCarthy, "Anti-Masonic Party," p. 481.

nominated Harrison, Stevens was compelled by his spirit of opposition to the Jacksonian Democracy to come to Harrison's support, though, no doubt, his support was lukewarm, while many of the radical Anti-Masons refused to vote for Harrison. The elections in the state in 1836 went against the Whigs and the Anti-Masons, and Stevens was not returned to the Legislature. The result is accounted for by the "fiasco of his investigation and by his arbitrary measures in regard to Masonry."¹

But the lack of unity and cohesion in the Anti-Masonic-Whig combination, their party quarrels and schisms, and their divisions on state issues, offer a more probable cause for their defeat.

One should not be led into the error of supposing from this account that Stevens was so absorbed in this period of his life with the cause of Anti-Masonry that he was indifferent to all other political and public questions of the time. The anti-slavery cause and the cause of free schools, as we shall see, occupied much of his interest and attention. He offered a resolution in the Legislature instructing Pennsylvania's delegation in Congress to favor internal improvements by promoting measures for improving the navigation of the Ohio. He proposed a Pennsylvania charter for the second United States Bank, which Jackson was pounding to its death. This showed Stevens' Anti-Jackson temper. Other national and local interests in public affairs required his time and labor. In 1838 he became canal commissioner of the state, which gave him control of considerable patronage, and one of his

¹ McCarthy, p. 483.

political opponents and colleagues in Congress asserted in later years that he "inaugurated a system of colonization for political effect which politicians have improved upon and practised more or less ever since."¹

When Porter beat Ritner for Governor of Pennsylvania in 1838, Stevens made what some of his friendly critics consider to be the capital mistake of his early political life. He and his party managers, believing they had been beaten by fraud, determined to treat the election as if it had not occurred. This brought on the "Buckshot War," which, though it wrought no great revolution in politics, assisted in taking Stevens out of public life for a number of years. The account of that bloodless war it is now in place to give.

¹ Judge Woodward Memorial Address on the Life of Stevens, *Congressional Globe*, 188, p. 72.

CHAPTER III

THE BUCKSHOT WAR

THE "Buckshot War" was the outcome of election disputes in Philadelphia County in 1838. The control of the Legislature depended on the Philadelphia contest, and a seat in the United States Senate was at stake. If the Whig candidates were elected from this county that party could control the Legislature; if the Democrat candidates were elected, the Legislature would be Democratic. One set of partisan returning officers made out a return in favor of the Whigs, another set made out a return in favor of the Democrats. The Whigs claimed the disputed district of Northern Liberties by one thousand votes, but the judges declared that the whole district should be thrown out, and this elected the Democratic ticket. Burrowes, the Whig Secretary of State, who was also chairman of the Whig State Campaign Committee, recognized the Whig returns, which he had received first, in due and legal form. The Democratic return was later and not so regular. Burrowes also declared, in a Whig party address, that the Democratic majority in the state had been secured by fraud, that the Whigs should immediately begin an investigation and proceed as if they had not been defeated in the recent election.¹

¹ This is printed in Niles' *Register* under the caption, "Address of the Democratic State Committee to the Friends of

The Whig contestants were thus recognized by the constituted authority as having legal certificates of election. Were they to be allowed to take their seats and vote upon all questions relating to the permanent organization of the House? If so, their party would be able to obtain permanent control. Stevens was the Whig leader. He published an able argument in favor of this plan of procedure. He argued most plausibly that the only way to organize the House was to swear in the members who had been designated in the legal returns. There must be a *prima facie* decision as to the contested seats. It was absurd to say that this decision should be postponed until all the undisputed returns were read and to allow only those members whose election was undisputed to decide as to the disputed ones; because, until the House was organized and a Speaker elected, it was not competent to entertain any question, and if there could be no initial decision as to disputed seats and such decisions had to be postponed until the House was organized, officers elected, and committees appointed, it would be very easy to contest any number or all of the seats, and no one would be left to act as umpires and judges. Until the House was organized no members were competent to vote as to the right of other members to their seats. "They must in every instance be sitting members upon the returns furnished by the secretary of the commonwealth; the only way the sitting members can be unseated is by a petition presented by the claiming mem-

Joseph Ritner." It appears that the name "Democratic" was too popular to allow its being monopolized by the "Van Buren Democrats."

bers, and that petition referred to a committee selected by lot, according to the act of 1791, whose report is final and conclusive."

Such was Stevens' argument. It is difficult to see a loophole in it from the standpoint of law and American parliamentary procedure.¹

As the day approached for the organization of the Legislature crowds of party contestants came to the state capitol. Threats of violence were made, and it was asserted that bayonets were to bristle at Harrisburg. The Democrats rallied their forces; committees of safety came from Philadelphia; leaders were appointed; armed belligerents filled the town, and when the House met for its first session "the hall was crowded to the door with outsiders."²

Stevens' address to his constituents described the situation as follows: "An unusual number of people filled the galleries and lobby. Several of the aisles, and the open space in front of the Speaker's chair, were choked up with rude-looking strangers, and the chairs of several members were surrounded with rough brawny bullies. My seat had the honor of being guarded by eight or ten of the most desperate brawlers of Kensington and Spring Garden, who thrust themselves determinedly against my chair, and when I left it occasionally, one of them occupied it until my return. Most of them wore coats with outside pockets in which their hands were generally thrust; and it was afterward satisfactorily ascertained that they

¹ See Stevens' address to the citizens of Adams County, *Pennsylvania Telegraph*, January 17, 1839.

² McCarthy, p. 497.

were armed with double-barreled pistols, bowie knives, and dirks.”¹

The result of the attempt to organize the House was that two Houses were organized, two Speakers were elected, and two sets of committees were appointed to inform the Governor and the Senate that the House was organized and ready for business. Stevens, for the Whigs, nominated their Speaker, appointed tellers, put the motion, declared his Speaker elected and conducted him to the chair. He took no counsel of timidity; he was not governed in the least by doubt or hesitation. He pursued the means best calculated to reach the end he had in view.

The two Speakers, Cunningham, the Whig, and Hopkins, the Democrat, occupied the platform and the two contending factions were known as the “Hopkins House” and the “Stevens Rump.” Of course, no business could be transacted. The question was, which of the two Houses would the Senate recognize and thus constitute a Legislature?

The Whigs had organized the Senate, greatly to the disgust of the Democratic partisans who had packed the galleries and lobbies. Violent threats were made against Penrose, the President of the Senate, and against Stevens and Burrowes, who had come to the Senate and were sitting as spectators. When one Brown, a Democratic contestant, who had been excluded from the Senate, demanded a hearing, it was at first denied, and a motion made to adjourn. “A scene ensued which baffles description. Apparently a thousand voices cried out for Brown! Brown! and with

¹ *Pennsylvania Telegraph*, January 17, 1839.

the clapping, stamping, and hallooing exceeded in tumult and confusion anything ever witnessed. Finally Brown had leave to speak. When he had concluded the spectators rushed into the middle of the chamber and had complete possession of the place.”¹

As the *Harrisburg Intelligencer* expressed it, when the new Senators (the contested Whigs) were sworn in, “A scene of riot ensued beyond all description, which finally obliged the Senate to adjourn, when the mob took possession of the hall.”² When the disorder had become so uproarious that the proceedings had to be adjourned, “Mr. Penrose and Mr. Stevens, with a majority of the Senators, left the hall by jumping from the windows.”³

Stevens gives the following account of his escape on this occasion: “Mr. Burrowes and myself were standing in front of them near the fire. We were urged several times to withdraw as the only means of safety, and of preventing the effusion of blood. . . . Private information was conveyed both to Mr. Penrose and myself by persons from the crowd, that the ruffians were arranging to ‘stab’ or ‘knife’ us. Mr. Burrowes had left the house by a back window, and, as the tumult grew thicker and nearer, after dark Mr. Penrose and myself did the same and were followed by a large number of gentlemen, Senators and members of the House, as well as others. We had scarcely got behind the Treasury Building when twenty or thirty of the mob broke out of the capitol and ran

¹ Correspondent in the *Baltimore American*, Niles’ Register, Vol. 55, p. 237.

² Niles 45, p. 238.

³ Writer in the *Baltimore American*, Niles 55, p. 237.

round to the window whence we escaped. On seeing it open a person present testifies that they said, 'We are a minute too late,' and inquired for Penrose."¹

Democratic writers denounced Stevens as the head of a Whig conspiracy, who, with his "supple coadjutors," was seeking "to consummate the frauds and iniquities which they have been practising upon our bleeding commonwealth during the last three years." "How much longer," it was asked, "are the good, moral, quiet citizens of Pennsylvania to be tormented by this arch conspirator, who has for three years agitated the commonwealth without ceasing,—who has been incessantly engaged in endeavoring to overturn our institutions, and who has been the cause of squandering millions of the people's money to construct a useless railroad to his iron works—to buy up bullies to intimidate freemen at the polls?"

The Democratic reporter referred to Stevens as the *oracle* and the *conscience-keeper* of Governor Ritner, and it was, therefore, to be expected that his course would be "sinister and hypocritical." This Democratic journalist constantly called the Whigs the "Federal members, or Federal Whigs," or "our corrupt Federal rulers," seeking to identify them with the old unpopular Federalist party, and he commented upon the ease with which Stevens "molded every Federal-Whig-Anti-Masonic member to his views," and "how servilely they followed their leader and basely executed all his reckless commands."

After the mob had broken up the session of the

¹ *Pennsylvania Telegraph*, January 17, 1839. Cited by McCarthy, p. 499.

Senate, the city was in the hands of rioters. The Democrats organized a "provisional government," and Whig officers hardly dared to appear upon the streets, and the threat was made that if they should attempt to organize a Legislature Harrisburg "would be smothered in blood."¹

Stevens, in a letter to his constituents, came back at his opponents, who claimed to be freemen seeking to vindicate the outraged liberties and rights of the people, by the following description of the mob. "The most respectable of them, the 'Captains of tens,' were keepers of disorderly houses in Kensington. Then came journeymen butchers, who were too worthless to find regular employment; next, professional boxers, who practise their pugilistic powers for hire; low gamblers, who infest the oyster cellars of the suburbs. A portion of them consisted of a class of men whose business you will hardly understand,—dog-keepers who, in Spring Garden and Southwark, raise and train a ferocious breed of dogs, whom they fight weekly for wages, and for the amusement of the 'indignant people.' Their troop was flanked by a few professional thieves and discharged convicts. These men, gathered up from the hotels and hovels, were refitted with such cast-off clothes as their employers could command, and hired at fifteen dollars the head and freighted to come to Harrisburg to instruct the Legislature in its duties and protect their rights."²

With the mob in possession of the state-house and city, overawing the Senate and not permitting it to

¹ McCarthy, p. 449.

² Stevens' Address, *Pennsylvania Telegraph*, January 17, 1839.

assemble, Governor Ritner issued a proclamation describing this condition of lawlessness, ordering the militia to be in readiness, and calling on all good citizens to aid in the restoration of order. By the Governor's order, General Patterson, in command of a division of the state militia, ordered out a part of his division, "provided with thirteen rounds of buckshot cartridges, and seven rounds of ball cartridges."¹

The troops proceeded to Harrisburg and quieted the opposing forces. Colonel Pleasanton, of Philadelphia, afterward testified under oath that McElwee, the Democratic leader, had told him that the Democrats were determined to prevent the arrival of these troops at all hazards, on the supposition that they were all Whigs and favorable to the state administration. To this end it was determined to remove some rails at a dangerous part on the railroad, "to form a mine under the most exposed part to be filled with gunpowder so that in the confusion *the mine might be sprung and the whole body of them be blown into the air together.*"²

It is difficult to believe that such bitter and reckless partisanship should exist among a peaceful and sober

¹ From this and from the fact that a negro was caught carrying some of this ammunition from the Whig headquarters came the name "Buckshot War." A verse of popular doggerel entitled *Last Days of Governor Ritner*, ran as follows:

"Come up and come down
Come from country and town
And obey the fat Deutschlander's writ, Sir;
Come one and come all
With buckshot and ball
And take care of Governor Ritner."

McCarthy, "Anti-Masonic Party," p. 500.

² See Niles' Register, Vol. 57, p. 27, cited in Callender, p. 41.

people, and if one is sometimes displeased at Stevens' extreme partisanship it is well to reflect with what he had to contend and the conditions under which his partisanship was begotten.

The Governor also called on the President for a company of the United States regulars stationed at Carlisle, but his request was refused by President Van Buren.¹

During the struggle the Democrats, in order to prevent the state militia from securing arms, made a demonstration on the state arsenal, and some one, claiming to represent Stevens and the Governor, agreed with the Democratic leaders that no arms would be issued. Stevens, in a newspaper letter, repudiated this agreement, declaring that he had had no communication with the "rebels" and that he would "consider it disgraceful to treat with them on any subject,"² an attitude that was quite in harmony with the spirit shown by him in the later and larger conflicts of his public life.

The conflict, as might be supposed while Stevens was leading one of the parties, was to end in no compromise. It ended in a defeat for Stevens and his faction. Three of his followers in the House went over to the Democrats, giving them a clear and undisputed majority, and thereupon the Senate recognized the Hopkins House, and the bloodless "Buckshot War," in which no shot was fired and no blood was shed, was at an end. So, too, was the Anti-Masonic party in Pennsylvania.

But Stevens did not surrender. It was not his way. He absented himself from the House from December

¹ See debate in H. of R., 25th Congress, 32d Session, December 19, 1838, cited by McCarthy.

² McCall's *Stevens*, pp. 52, 53.

till May as a protest against the outcome, meanwhile publishing vigorous denunciations of the proceedings of the Democratic Legislature. The Democratic majority decided to postpone the admission of Mr. Stevens to his seat for the present and to appoint a committee "to inquire whether Thaddeus Stevens, a member elect from the county of Adams, has not forfeited his right to a seat in the House,"—on the ground of *non-user*, *mis-user*, or contempt of the House. A number of Democratic members protested against this proceeding.¹

Stevens declined to appear before this committee. He replied to its notification of a readiness to hear him, in a letter defending his right to his seat and attacking the committee. He would not agree "to admit the intellectual, moral or habitual competency of Thomas B. McElwee (the mover of the resolution of inquiry), his compeers, coadjutors, and followers, to decide a question of decency and morals." His "only anxiety was that the Constitution may not further be violated and that the people may yet have some ground for hope that *Liberty*, although deeply wounded, may not expire."²

Stevens' seat was declared vacant, whereupon he issued an address to his constituents in Adams County, calling their attention to this violation of the Constitution and to the outrage upon the rights of the people, by which "under a most shallow and hypocritical pretense" there was imposed upon his constituents the expense of a new election. "The tyrants," said Stevens,

¹ Niles, 56, p. 229.

² Niles' *Register*, 56, p. 229.

“who have usurped power have determined to oppress and plunder the people. It is for you to say whether you will be their willing slaves.” His inclination and interest both prompted him to retire from public life, but he would not execute that settled intention when it might be construed into cowardice or despondency. “To refuse to be a candidate now,” he said, “would be seized upon by my enemies as an evidence that I distrust the people and am afraid to intrust to them the redress of their own wrongs. I feel no such fear, no such distrust.” He, therefore, without waiting to receive a party nomination from his friends, presented himself as a candidate on a question which, as he said, “would be disgraced by sinking it to the level of a party contest.”¹

He was triumphantly reelected and was allowed to take his seat, but as the Legislature soon adjourned he had not much opportunity to get even with his opponents on the floor of the House. But he had not long to wait. The “whirligig of time” brings strange changes in politics, and a year later, Mr. McElwee, the Democratic leader who had brought about Stevens’ exclusion, was himself expelled from the Legislature, because of personally insulting a fellow-member, and he did not venture to present himself for reelection.²

This contest will serve to show Stevens’ partisan and uncompromising disposition and that he was ever at a keen “fighting edge” whenever the interest of his party or his cause demanded it. This fighting partisanship was obviously in harmony with the spirit of

¹ Niles’ *Register*, 56, p. 216.

² Niles 58: p. 96.

the time. It is not easy for us to appreciate the intensity and bitterness of political feeling in those days. The lines were sharply drawn, and one's political opponents were not graciously spoken of as "our friends, the enemy." An enemy in politics was likely to be an enemy in personal relations, a tendency that accentuated the state of strife and of unseemly political conduct.

Upon Stevens' retirement from the Legislature in 1841, in spite of the bitter personal strife in which he had been engaged during the "Buckshot War," the *Harrisburg Telegraph* paid the following tribute to his character and ability as a legislator: "To judge of the varied powers of Thaddeus Stevens, it is only necessary to review his course during the brief limit of the present session. In this review would be included his powerful argument on the right of petition; . . . his cogent appeals on the necessity of placing a constitutional limit to the state debt; . . . his able and practical remarks on the vital importance of the protective policy to the interests of our nation, showing how the flood of commerce poured into England under the Navigation Act, how Holland, once the commercial carrier of the world, was paralyzed under the influence of the free trade doctrines, and how the first principle of legislation demands that home labor should be fostered and protected. Whoever has heard Mr. Stevens at this session or at any other, can not hesitate to accord to him the most commanding abilities and sound constitutional sentiments. Hence it is, standing as he does a giant among his pigmy opponents, that every shaft of malice and invective is hurled at

him by every puny whipster, who, like the fool of Crete, exposes his waxy softness to the fervid glow of his eloquent reply. . . . It is not so much our wish to eulogize Mr. Stevens as to direct the public attention to the position he has attained, and so well maintains. We want the eyes of the commonwealth directed toward him. We want him judged of by his acts, and not through 'the false medium of political vituperation.' " ¹

¹ Callender's *Life of Stevens*, pp. 51, 52.

CHAPTER IV

DEFENDER OF FREE SCHOOLS

IT was during this legislative career of Stevens in Pennsylvania, in the fourth decade of the nineteenth century, that he rendered his great and distinguished service to the cause of free schools. This was a preeminent service. It is not only worthy of a special chapter in his life from his biographer, but of an historic memorial from the great commonwealth which he served so well.

When Stevens came to the arena of public action, education was offered to the rich at reasonable rates, while only the self-confessed poor were to be schooled for nothing. Thus a class distinction existed in the public schools, and the poor but self-respecting parents who could not afford to pay the price named for their children's tuition preferred to keep them at home rather than to subject themselves to the humiliation of having their children put upon the lists as public charges.

By an act in 1834 the Pennsylvania legislature proposed to extend to the whole state the free school system that had been locally applied in Philadelphia, recognizing the great democratic principle of free schools for all on equal terms. Stevens was a warm supporter of this law, and when it was passed the friends of education and the enlightened advocates of popular gov-

ernment felt that a great advance had been made in the support of an intelligent citizenship and free institutions. The new law would, in time, mean great things for Pennsylvania.

This, of course, meant new taxes, since the schools were to be free in the sense of being supported from the public treasury. A year later there was reaction, and a legislature was elected that was expected to repeal the law. The thrifty and charitable taxpayers of Pennsylvania were ready to pay, if necessary, to educate pauper children, but the rich and the well-to-do who had no children did not propose to support schools for the children of others who could afford to pay. Others said that those who had no children should not be made to pay to educate the children of other people. If the poor man could not afford to school his children let him say so, and the charitable taxpayers would dole out the necessary funds.

In the following legislature the State Senate voted for summary repeal of the free school law, by passing a substitute bill bearing the title, "An act making provision for the education of the poor *gratis*." This passed the Senate by a vote of two to one with only eight dissenting votes. Thirteen Senators voted for it who had voted for the free school act of the previous session. It appeared certain that the cause of free schools would also be lost in the House. Many members who had voted for the cause in the previous session had been retired to private life. A committee favorable to free schools found a "deplorably large" petition containing thirty-two thousand names praying for repeal, while only twenty-five hundred were peti-

tioning for the retention of the law. The Democratic legislative caucus warned the Democratic Governor, a friend of free education, against opposing repeal by his veto, as that would be sure to defeat him for reelection.

In this desperate situation one stout obstacle stood in the path of repeal. It was Thaddeus Stevens, the commoner, the democrat, the friend of the poor, the man who believed with his whole soul in popular education and republican government. He stood ready to resist the pride and prejudice of a class, the selfishness of the rich, or the popular passion of the multitude, and to speak for what he considered a noble and righteous cause. He had been returned to the legislature by a small majority under instructions to vote for the repeal of the law, but instead of obeying his instructions he stood by his convictions and became the chief defender of free schools.¹

"The people might reject him, but so long as he was their representative he would follow his convictions of duty. He braved the storm when it was at its fiercest pitch and boldly moved to strike out all the Senate bill and to substitute for it a bill strengthening the law which it proposed to repeal."²

On that motion Stevens made one of the noblest speeches of his life, a speech, says Mr. McCall, that "produced an effect second to no speech ever uttered in an American legislative assembly."³ The speech reveals the high and fearless public spirit of the man and the liberal democratic principle that governed him throughout his long life.

¹ Callender's *Stevens*, p. 32.

² McCall's *Stevens*, p. 38.

³ *Ibid.*, p. 38.

He undertook to show that the free school law was salutary and useful and that instead of being oppressive to the people it would "lighten their burdens and elevate them in the scale of human intellect."¹ He assumed the necessity of education in a free government; it would be humiliating to be under the necessity of proving it. In an elective republic expected to endure, the electors must have information, to direct wisely their legislatures and executives; *some* agency in governing will fall to every freeman. Government, then, must see that the means of information be diffused to every citizen. "This is a sufficient answer to those who deem education a pivot and not a public duty,— who argue that they are willing to educate their own children, but not their neighbors' children." While few were so ignorant and shameless as to deny the advantages of general education, many were alarmed at its burdens. He proceeded to show that the free schools would be less burdensome than the "present disgraceful plan." With good "male teachers" to be had at eighteen dollars a month and board themselves, and "females" at nine dollars, he was able to show a saving of half to the average township of two hundred children where two dollars a quarter for each child was paid in tuition. Thus on the half million children of the state more than one million dollars would be saved.

"The repealing act is, in my opinion," said Stevens, "of a most hateful and degrading character. It is a reenactment of the pauper law of 1809. It proposes that the

¹ My review of the speech is based on a reprint published at Lancaster, Pennsylvania, in 1865.

assessors shall take a census and make a record of the *poor*. This shall be revised and a new record made by the county commissioners, so that the names of those who have the misfortune to be poor men's children shall be forever preserved, as a distinct class, in the archives of the county. The teacher, too, is to keep in his school a *pauper* book and register the names and attendance of poor scholars; thus pointing out and recording their poverty in the midst of their companions. Sir, hereditary distinctions of rank are sufficiently odious; but that which is founded on poverty is infinitely more so. Such a law should be entitled, 'An act for branding and marking the poor, so that they may be known from the rich and proud.' Many complain of this tax, not so much on account of its amount, as because it is for the benefit of others and not themselves. This is a mistake; it is for their own benefit, inasmuch as it perpetuates the government and insures the due administration of the laws under which they live, and by which their lives and property are protected. Why do they not urge the same objection against all their taxes? The industrious, thrifty, rich farmer pays a heavy county tax to support criminal courts, build jails, and pay sheriffs and jail keepers, and yet probably he never has, and never will have, any direct personal use of either. He never gets the worth of his money by being tried for a crime before the court, or being allowed the privilege of the jail on conviction, or by receiving an equivalent from the sheriff or his hangman officers! He cheerfully pays the tax which is necessary to support and punish convicts, but loudly complains of that which goes to prevent his fellow-being from becoming a criminal, and to obviate the necessity of those humiliating institutions."

Stevens' plea was against the establishment of castes and grades, and against the cultivation of an aristocracy of wealth and pride. The tax was said to be unjust because the industrious money-making man

would find constant employment for his children, while the idle man, finding little employment for his family, would constantly send his children to school at the expense of others.

"I know," said he, "that there are some men whose whole souls are so completely absorbed in the accumulation of wealth, and whose avarice so increases with success, that they look upon their very children in no other light than as instruments of gain—that they, as well as the ox and the ass within their gates, are valuable only in proportion to their annual earnings. According to the present system the children of such men are reduced almost to an intellectual level with their co-laborers of the brute creation. This law will be of vast advantage to the offspring of such misers. If they are compelled to pay their taxes to support schools, their very meanness will induce them to send their children to them to get the worth of their money. Thus it will extract good out of the very penuriousness of the miser."

He referred to "the languishing and sickly condition" of the colleges of Pennsylvania. She, with all her fertile riches, had "scarcely one-third as many collegiate students as cold barren New England." The reason was obvious. She had no free schools.

"In New England free schools plant the seed and the desire of knowledge in *every* mind, without regard to the wealth of the parent or the texture of the pupil's garments. When the seed, thus universally sown, happens to fall on fertile soil, it springs up and is fostered by a generous public until it produces its glorious fruit. . . . Not to mention any of the living, it is well known that that architect of an immortal name, who 'plucked the lightning from heaven and the scepter from tyrants' was the child of free schools. Why should Pennsylvania now repudiate a system which is

calculated to elevate her to that rank in the intellectual, which by the blessing of Providence she holds in her natural world? . . . Sir, when I reflect how apt hereditary wealth, hereditary influence, and perhaps, as a consequence, hereditary pride are to close the avenues and steel the heart against the wants and rights of the poor, I am induced to thank my Creator for having from early life, bestowed upon me the blessing of poverty. Sir, it is a blessing, for if there be any human sensation more eternal and divine than all others, it is that which feelingly sympathizes with misfortune."

Much of the unpopularity of this law Stevens charged upon "the vile arts of unprincipled demagogues."

"Instead of attempting to remove the honest misapprehensions of the people, they cater to their prejudices, and take advantage of them, to gain low, dirty, temporary local triumphs. I do not charge this on any particular party. Unfortunately almost the only spot on which all parties meet in union is this ground of common infamy!"

He then proceeded to defend the Democratic Governor, who had been assailed as the father of the law. Stevens had opposed Governor Wolf stoutly and with all the bitterness common to those early party contests. Though the Governor had been guilty, as Stevens thought, "of many deep political sins, yet he deserves the undying gratitude of the people for the steady untiring zeal, which he has manifested in favor of common schools." These exertions had atoned for many of his errors, in Stevens' opinion.

"I trust that the people of this state will never be called upon to choose between a supporter and an opposer

of free schools. But if it should come to that; if that should be made the turning point on which we are to cast our suffrages; if the opponent of education were my most intimate personal and political friend, and the free school candidate my most obnoxious enemy, I should deem it my duty as a patriot, at this moment of our intellectual crisis, to forget all other considerations, and I should place myself unhesitatingly and cordially in the ranks of him whose banners stream in light. I would not foster nor flatter ignorance to gain political victories, which, however they might profit individuals, must prove disastrous to our country.

"Those who have failed of reelection on this issue have been passed by only for the moment. They had earned the approbation of all good and intelligent men more effectually by their retirement than they could ever have done by retaining popular favor at the expense of self-humiliation. They have fallen between the powers of light and darkness; but they fell, as every Roman mother wished her sons to fall, facing the enemy with all their wounds in front. . . . Instead of flattering the people and prophesying smooth things, it is the duty of faithful legislators to create and sustain such laws and institutions as shall teach us our wants, foster our cravings after knowledge, and urge us forward in the march of intellect."

Stevens closed this great speech with a stirring plea for political courage as the basis of a true popularity. Then, as ever after, he stood ready to rebuke the time-servers of his party. Some weak-kneed members were voting to maintain a temporary popularity in "the ten miles square of their ambition." Stevens pleaded for a popularity that would outlive its possessor, that would "not be buried in the same grave which covers his mortal remains," and for the fame that comes from uncon-

querable courage devoted to the uplift of the poor and the welfare of mankind. "In giving this law to posterity you act the part of the philanthropist, by bestowing upon the poor as well as the rich the greatest earthly boon which they are capable of receiving . . . for what earthly glory is there equal in luster and duration to that conferred by education? . . . I trust," said Stevens, in conclusion, "that when we come to act on this question we shall take lofty ground, look beyond the narrow space which now circumscribes our vision, beyond the passing, fleeting point of time on which we stand; and so cast our votes that the blessing of education shall be conferred on every son of Pennsylvania — shall be carried home to the poorest child of the poorest inhabitant of the meanest hut of your mountains, so that even he may be prepared to act well his part in this land of freemen and lay on earth a broad and a solid foundation for that enduring knowledge which goes on increasing through increasing eternity."

To this speech of Stevens has been attributed the saving of Pennsylvania's "free school system from ignominious defeat." The vote was taken immediately after Stevens sat down and the victory so confidently anticipated by the friends of repeal was suddenly turned into defeat and Stevens' motion was carried by a nearly two-thirds majority. "Most remarkable of all, the Senate, whose members were listening to the House discussion, and who but a short time before had so decisively voted for repeal, returned to its chamber thrilled and delighted with the great effort, converted as no Senate had ever been converted before, and im-

mediately concurred with a few unimportant amendments in the House substitute bill.”¹

“Never will the writer of these lines forget,” wrote Colonel John W. Forney after the death of Stevens in 1868, “the effect of that surpassing effort pronounced by the undaunted opponent of the Democratic party, and of the great Masonic brotherhood.² All the barriers of prejudice broke down before it. It reached men’s hearts like the voice of inspiration. Those who were almost ready to take the life of Thaddeus Stevens a few weeks before were instantly converted into his admirers and friends. During its delivery in the hall of the House at Harrisburg, the scene was one of dramatic interest and intensity. Thaddeus Stevens was then forty-three years of age and in the prime of life, and his classic countenance, noble voice, and cultivated style, added to the fact that he was speaking the holiest truths, and for the noblest of all human causes, created such a feeling among his fellow-members that for once, at least, our State Legislature rose above all selfish feelings and responded to the instincts of a higher nature.”³ Forney is also authority for the story that immediately after Mr. Stevens concluded this great speech he received a message from Governor Wolf, a Mason, a political opponent of Stevens, but also an earnest and sincere friend of education. When Stevens, in answer to the Governor’s message, entered the executive chamber, Wolf threw his arms about his neck and with tearful eyes and broken voice thanked

¹ McCall’s *Life of Stevens*, p. 40.

² Forney himself was a Democrat and a political opponent of Stevens in those days.

³ *Philadelphia Press*, August 12, 1868.

him for the great service he had rendered to their common humanity. Stevens was ever afterward delighted to relate this incident, and it was Forney's regret that he could not relate it to his readers in Stevens' own inimitable and sympathetic manner.¹ A great man had grappled with a fierce prejudice of the hour and had risked everything for a great object.²

Stevens himself styled this effort as the crowning utility of his life, and he afterward said that he would feel abundantly rewarded for all his efforts in behalf of universal education "if a single child, educated by the commonwealth, should drop a tear of gratitude on his grave."³

Stevens' bold and noble attitude on all questions relating to public education was illustrated repeatedly on subsequent occasions. He was ever a valiant supporter of Pennsylvania College, and although he was by nature a strong partisan he never allowed politics nor the interest of his party to stand in the way when he had an opportunity to render service to the cause of public and higher education. He looked to higher education by the state as the essence and foundation for an enduring democracy. When he was told by a party friend, who was anxious that Stevens should continue to be the candidate of his party, that his sup-

¹ Ibid.

² The *Pennsylvania Reporter* of April 15, 1835, said of this speech of Stevens,—which will be recognized as high praise, coming as it did from a warm political opponent of the time, "The acknowledged talents of this gentleman were never exerted in a nobler cause or with greater effect than on this occasion, and we feel assured that a more powerful effort of oratory was never listened to within the walls of this or any other legislative hall." McCarthy's *Anti-Masonic Party*, p. 466.

³ Callender, p. 32.

port of the state college would injure his political party and lose him support at home, Stevens wrote: "However I may sacrifice myself, I do not assume the right to sacrifice you. But that could only happen upon the supposition that I become unpopular and still continue to be your candidate. That I will never do. I have already resolved that the weight of my name shall never again burden your ticket. I will withdraw from any active part in your political discussions. And if it be necessary to the well-being of our country, dear to me as are all my friends and constituents, I will withdraw from your county to some place where the advocates of Anti-Masonry may be also the advocates of knowledge."¹

The second notable speech of Stevens in the cause of education was made, March 10, 1838, on a bill "to establish a school of Arts in the City of Philadelphia, and to endow the colleges and academies of Pennsylvania." He made a strong plea against that spirit of parsimony which had usually governed State Legislatures in their allowances for higher institutions of learning. He wished, above all things, to see Pennsylvania stand erect in intellectual preeminence, and he appealed to her sons, who were in the enjoyment of such material prosperity, to stand for a liberal policy in higher education that was so calculated to save the state from misery and infamy and promote her true happiness and glory. A passage will illustrate the force of his direct and trenchant eloquence:

¹ *Pennsylvania Telegraph*, January 25, 1834, cited by McCarthy, *Anti-Masonic Party*, p. 466.

“Never was there a grosser or more injurious error than to suppose that learning begets pride. Ignorance is the parent of pride and disgusting vanity; he only has censurable pride who has too little knowledge to know that he is himself a fool. But he who has long and arduously labored up the hill of science and there found himself but standing upon the threshold of her temple—who, after a toilsome, and perhaps successful examination of the works of nature and art, discovers that he has scarcely yet entered upon the confines of the inimitable works of an omniscient artist, will surely find nothing in his own weak blind insignificance to flatter pride or foster vanity. It is the illiterate, ignorant, senseless, witless coxcomb that struts and fumes, proud perhaps of his ignorance, himself, his baubles, and his folly!”

Only a year before Stevens' death, at a time when he was the unchallenged leader of his party in the national councils, after he had for years enjoyed a fame that was nation-wide; while he was still standing as he had been for nearly a decade in the forefront of the battle in the greatest civic and political struggle of the century and had thus been the target of attack and the object of abuse for all the force of a violent opposition,—in these closing years of his life, Henry Ward Beecher said of him in a sermon in Plymouth church, Brooklyn: “When Thaddeus Stevens shall die his virtues will be better appreciated and his name will be more highly honored than now; for he is one of those men who are very inconvenient when alive and very valuable when dead. It will be remembered that in the dark hours of his country's history when other men were afraid to speak, he was not afraid to speak, and when other men were afraid to be unpopular he

was not afraid to be unpopular and did not count his life dear. But I think that if I were he I would rather have written on my gravestone, '*Father of the Common Schools of Pennsylvania*,' than any other inscription that could be put there. It might justly be written there. And from the grave no purer light could stream, so far as humanity is concerned, than the inscription to him as his life-work, the founding of a system of common schools which has disenthralled that state from its ignorance and is bringing it by knowledge to the stature and power of a gigantic commonwealth."¹

This great service of Stevens to the state of his adoption has now come to be recognized, and it is but just and seemly that an appreciative and grateful people in that commonwealth should erect a noble and suitable memorial to the greatest man, save one,² who ever lived within her borders. That memorial fittingly represents Stevens as the founder and defender of the free school, standing by the temple of learning to which with benevolent leading he is directing the children of the humble poor.

From this noble service for the education of all the children of the state, he was soon to be called to another, the struggle for free soil and for the freedom of the slave, to which he devoted all of his remarkable talents and almost all the remaining years of his life.

¹ Stevens' Papers, Library of Congress.

² Benjamin Franklin.

CHAPTER V

THE EARLY FREE-SOILER

ANOTHER cause than Anti-Masonry elicited Stevens' early and deeper interest. This was the anti-slavery cause. Hatred of slavery and the disposition to oppose it seemed ingrained in his nature. This anti-slavery spirit came to him from his antecedents, his training, his childhood convictions,—it was the innate bent of his mind. It was a part of his democracy. He was never *converted* to the anti-slavery cause. That cause was a part of his being,—he could not do otherwise than speak and boldly fight for its promotion and success. He had no argument with himself about it. To oppose slavery and to use all means at hand to uproot it seemed to him a course so obviously right that argument in the case was uncalled for.

He had settled for his life's work upon the border line, as it were, between the Slave and the Free States. Here the forces met in conflict that represented the antagonistic labor systems, the slave labor system and the free. Here opinion was not unevenly divided, and one found ample apology in conservative minds and easy consciences for the slave system that existed just across the border. But Stevens' mind was not conservative, and it mattered little to him what the custom was or what majority of opinion sustained

the established order. If, in his judgment, the social status violated justice, if it led to oppression, to legal impositions and inequalities, he would cry against it and spare not.

The little he had seen of slavery confirmed his opposition to it. Godlove S. Orth, of Indiana, is quoted as authority for an anti-slavery story in Stevens' early life. Orth grew up in Pennsylvania, was educated at Gettysburg, and could probably have verified the story. The story was that once while going to Baltimore to buy books for his law library, Stevens stopped for the night at a hotel in Maryland, kept by a man with whom he was well acquainted. His attention was aroused by a commotion among the servants of the hotel. When he inquired the cause of the trouble a woman approached him in tears and implored him to do what he could to prevent the contemplated sale of her husband, who was a slave. On inquiring who and where her husband was, she replied, "Why, Massa Stevens, he is the 'boy' who took your horse to the stable." Stevens knew the "boy" and he at once went to the owner and remonstrated with him in reference to the contemplated sale. He offered the owner one hundred and fifty dollars, half the sale price, if he would give the slave his liberty. But the owner was inexorable and Stevens, knowing the relation that existed between the slave and his master, replied, "Mr. —, are you not ashamed to sell your own flesh and blood?" This cutting inquiry brought only the response that the master must have money and his slave boy was cheap at three hundred dollars. Stevens' generous nature responded to the situation. He paid

three hundred dollars and set the young slave free, the sacrifice requiring his return to Gettysburg and the postponing of his replenishing his law library until a more convenient season.¹

There was a strong tendency among Anti-Masons, especially among the Pennsylvania Quakers, to become anti-slavery men, and they urged in the Pennsylvania Legislature, though without success, a bill providing a jury trial for fugitive slaves. It was a common rumor concerning Stevens in his early struggling years as a young lawyer and while he was active in Anti-Masonic politics, that no fugitive slave who reached a court where he practised was ever taken back into bondage. In such a cause he despised a fee and entertained no hope of reward.

In the year that Governor Ritner was elected in Pennsylvania, Jonathan Blanchard came into the state to speak for the anti-slavery cause, as an agent of the American Anti-Slavery Society. Blanchard was an abolitionist, but the people were so mad against abolitionism that he had found no hospitable welcome in the old Keystone State, but he had to face, instead, villification, contumely, and violence. He reported that the ministers of the gospel in private would bid him Godspeed but in public on the subject of slavery, they were as silent as the tomb. Blanchard was a stern Puritan, and during a long life devoted to the Christian ministry and to public efforts in moral reforms, he exemplified a deep intensity of faith in the Christian religion and manifested in his life the spirit of a de-

¹ *Congressional Memorial Reminiscent Addresses on Stevens*, cited by W. U. Hensel in "Stevens as a Lawyer," pp. 7, 8.

voted servant and martyr for his cause. As he reflected on the intense pro-slavery character of the churches, Blanchard found some reason why Stevens as a man of the world looked upon the churches with contempt. Stevens despised both bigotry and hypocrisy. But while Blanchard found a culpable silence upon the evils of slavery among the churches and its ministers he did not find Stevens silent. Blanchard said to Stevens: "Mr. Stevens, if you can turn your Anti-Masons into abolitionists, you will have a party whose politics will not bleach out. The slaveholders will not 'possum' like Free Masons, but will die game." Stevens took out his pocketbook, handed Blanchard ninety dollars in bank bills and said: "Take that and go down into Adams County and lecture, and if they Morganize you, we'll make a party out of it." Upon Blanchard's reluctance to take the money Stevens said, "Never mind, I am twenty-one in such things and I know they can not be done without money."

Blanchard went to Gettysburg, as Stevens advised, but a mob, encouraged by one Judge McLean, an elder in an orthodox church, broke up his meeting. This aroused Stevens' anger. He came down from Harrisburg, called a meeting in the court-house which "was crowded to a jam," and, continues Blanchard in his description of the meeting nearly fifty years after, "I never listened to such speaking from human lips. Every sentence was argument, eloquence, and invective, combined and condensed. Giving his words as a report of his speech, without his overwhelming, crushing looks and intonations, seems like pointing to a

shivered tree as a description of a thunder-storm." Elder McLean had said, "We have no slaves here, why come here to disturb our borough with a discussion of slavery?" "Indeed!" exclaimed Stevens, "so, then, human liberty is become a local question, is it? To be discussed only in particular localities? A Universalist comes here preaching universal salvation and denying the faith of the orthodox, and you hear him quietly and allow him to pass on. But if a man comes to speak for *universal liberty*, you answer him with violence and rotten eggs! Shame! Shame!! Shame!!! What freeman does not feel himself covered all over with burning blushes to find himself surrounded with *such* freemen?"

Blanchard reports that poor old Judge McLean broke through the crowd and fled from the courthouse and that there were no more pro-slavery mobs in Gettysburg.¹

Whenever any of the Anti-Masons, like Stevens, gave expression to their anti-slavery sentiments their Democratic opponents charged them with a readiness "to mount the abolition hobby." This, they said, was now to be the leading policy of those "who formerly ranged themselves under the equally proscriptive but less bloody banner of Anti-Masonry."

In the fall of 1836 a convention was elected to revise the constitution of the state of Pennsylvania. Stevens was chosen as a delegate from Adams County. The convention was a partisan body; the majority of its members were Democrats, and it may safely be concluded that Stevens did nothing to allay its

¹ Reminiscences, *Christian Cynosure*, April 5, 1883.

partisan spirit. The political opponents of Stevens sought to break him down and destroy his influence before the work of the convention began. They wished to identify him with abolitionism and to make use of the hot sentiment of the people against these meddlesome and pestiferous agitators who were thought to be threatening the very foundations of the Union. These Democratic enemies of Stevens, led by one McGriffin, issued a call for a "convention of the friends of the integrity of the Union," and they planned to have their convention meet just the day before the assembly of the Constitutional Convention. These "friends of the integrity of the Union" wished to rebuke the abolitionists and to do what they could to restrain the anti-slavery agitation. The idea, with a little clever spontaneous cultivation from a few self-seeking leaders, seemed to be overwhelmingly popular. Over seven hundred delegates were elected to the "Union," or Anti-Abolition, Convention. Not many seemed ready to raise their voices on behalf of the slave. A constable in Chambersburg had lately received one thousand dollars for catching and returning fugitive slaves. A military major had lately seized and sold a free woman and five children out of the same county, pretending that they were slaves, and with the thirty or more pieces of silver that he had received in reward for his deed he had bought his uniform.

It was such mercenary "Union" patriots who were arousing mobs of irresponsible men to break up the meetings of the zealous abolitionists in order to close their mouths. At this juncture Jonathan Blanchard,

fighting as it were with his back to the wall in a desperate effort to influence public sentiment, wrote to Stevens, who was at his home in Gettysburg, to have Charles B. Penrose, of Carlisle, appointed to the "Integrity-of-the-Union" Convention. Blanchard's idea was to get some one into the convention who would force that body to commit itself for or against slavery. "If they oppose slavery the South will oppose them. If they go for slavery we can lead the people who really hate slavery, to oppose them." He wished some brave man to step in to force the fight into the open and to get a direct issue on the merits of slavery. What was Blanchard's astonishment and delight when he learned that Stevens had secured his own appointment to the Union Convention instead of sending Penrose. Doctor Blanchard's description of Stevens in that convention is worthy of preservation.

"The day came. I managed to squeeze into the densely packed old court-house in Harrisburg. I stood behind a pillar, and sketched, and afterward wrote out a report of that remarkable *mêlée*. The report was published and I was told that Mr. Dunlap and others at the state-house next day were so overwhelmed with Stevens' truth, patriotism, justice and eloquence, blended with wit, satire and sarcasm, that reading the report they rolled on the carpet and shook their sides with laughter. . . . Stevens had come in late and his coming was greeted by the dense crowd with looks of fear, hatred, and wrath. An old Whig, Judge Beard, was in the chair. A preacher from Pittsburgh rose and on some motion said: 'Born, sir, in Tennessee, raised in Kentucky, I am an exile from

my native state on account of slavery; yet I have come to this convention ready to peril my all in the cause of our national Union.' Stevens, as soon as the man had done, sprang to his feet. In an instant every spit-box was kicked and rattled. Hundreds hissed and the mouths that did not hiss groaned and howled. It was bedlam uncapped. For a moment I was stunned, till I looked at Mr. Stevens. He turned with calm haughtiness around and looked that storm of howls and hisses in the face! Then, turning with an emphasis utterly indescribable above the uproar, he said: 'Mr. President; we are not slaves here in Pennsylvania! And' (with slow and solemn emphasis) 'if the attempt is made to make us such there are some of us in this court-house who will make resistance enough to let Pennsylvanians outside know the doom that awaits them!' The house was now so still that you could hear the clock tick. He then turned toward the preacher and imitating his drawl, said:

" 'Sir, I deeply sympathize with my respected friend over the way in all that he has done and suffered in the cause of our glorious Union which we have now first met to promote! Indeed, sir, so moved am I at beholding him, an exile from his native state, driven out by slavery, that I am ready to join this convention in a vote of reprobation of that foul institution which drives white men from their homes to wander as exiles in distant states.'

" There was an uproar of applause, some of it coming from men who had hissed him but a few moments before. Stevens continued to expose the hypocritical patriotism of the preacher, who had been circulating a

subscription paper and soliciting funds. Imitating the preacher's voice and manner, with mock commiseration for his suffering, with keen satire on the pro-slavery leaders of the crowd who, he assumed, were all anti-slavery as he was, Stevens by his drollery, wit and shafts of truth and fearless justice, finally won entire control of the convention. When the resolutions were offered Stevens would move to amend by adding words in favor of liberty from the Pennsylvania Constitution and Bill of Rights, which the convention dared not vote down, with the result that the proceedings were turned into a farce and broke up in laughter. Stevens had shown himself such a force as was not to be answered nor suppressed." ¹

Another account relates that Stevens in one of the discussions so completely demonstrated the absurdity of a proposed resolution that a spineless doughface member declared that, while he "abhorred abolitionism, he could never endorse such a doctrine." Thereupon a clergyman — it may have been the same pious martyr from Pittsburgh — aroused by the headway Stevens was obviously making in the convention, took the floor and accused Stevens of "coming to the convention while holding to the abominable doctrines of the abolitionists, to sit in sheep's clothing among the friends of the Union, while in his heart he is wishing to throw his firebrands to consume it." Stevens immediately rebuked the clergyman for indulging in personalities. "I meant no one in particular," replied the clergyman. "Indeed," said

¹ "Reminiscences on Stevens," by Jonathan Blanchard in the *Christian Cynosure*, April 5, 1883.

Stevens, "I certainly understood the gentleman to insinuate that my friend yonder,"—the colleague whom he had just forced to disclaim the pro-slavery resolution, and whose hair was a fiery red,—“that my friend yonder looked very much like a firebrand!”¹

While Stevens was possessed with a consuming hatred of the slave system, yet at no time throughout his life did he propose to attack it by any process that was beyond the Constitution and the laws. During his legislative career in Pennsylvania in the winter of 1836–7 he offered a resolution relating to slavery, to the effect that “slaveholding states alone have the right to regulate and control domestic slavery within their limits,” but that “Congress possesses the constitutional power, and it is expedient, to abolish slavery and the slave trade within the District of Columbia.” This indicates that he stood from the beginning on the Free-soil and Republican ground in reference to the great sectional question with which he had so much to do in his later life.

Stevens served in the Constitutional Convention with some of the ablest men of Pennsylvania, including John Sargent, James C. Biddle, Thomas Earle, Joseph H. Hopkinson and Charles J. Ingersoll, all of Philadelphia, and with James Merrill, of Union County, “the indefatigable and laborious searcher after facts,” who had preceded Stevens as a teacher in York County. Stevens bore his full share of the convention’s burdens and debates. The most notable aspect of his record was his protest in the convention, which he urged with all his might, against the fatal folly of inserting the

¹ McCall, p. 50.

word *white* into the clause of the Constitution, defining the qualifications for voters. Stevens felt that it was a mean and unjustifiable discrimination. It violated his innate instinct in favor of democratic equality, and when it was done he lost interest in the proceedings, and was so offended and disgusted by the act that he refused to attach his name to the Constitution. He believed that the unjust discrimination had been perpetrated through the influence of slaveholders and "doughfaces" who had been excited by the abolition agitation. In the heated and protracted debate on the subject Stevens' invective came into play, and then, as ever after, he refused to yield an iota in the democratic cause to which he had dedicated his life,—the cause of the equal rights of all before the law, regardless of race, color, religion, or nationality.

Stevens was active in promoting the nomination and election of Harrison to the presidency in 1840. He was opposed to Clay, and it is said that Clay's open opposition to Stevens' appointment to the Harrison cabinet led to the disappointment of Stevens, who had been promised the position of postmaster-general.¹

¹ Harris, *Biographical History of Lancaster County*, p. 582, cited by McCall, p. 57, and Harris' *Political Conflict*, p. 91.

Colonel A. K. McClure is sponsor for a Stevens story touching his agency in the nomination of Harrison by the Whigs in 1840. The Virginia delegation was hesitating between Harrison and Scott. Stevens, the leader of the Pennsylvania delegation, turned the Virginians from Scott to Harrison by a questionable political trick. Scott had written a letter to Francis Granger, of New York, seeking to conciliate the anti-slavery sentiment of that state. It was a private letter, but Granger gave it to Stevens. Stevens called at the headquarters of the Virginia delegation and inadvertently (?) dropped the letter to the floor, and its contents became known to the Virginians. They turned from Scott to Harrison. Either could have been elected. "My authority for this," says McClure, "is Stevens himself. He

In 1841, after his defeat in the Buckshot War, Stevens was once more elected to the Pennsylvania Legislature. At this session he spoke vigorously in favor of the rights of petition, in favor of limiting the state debt and in opposition to those who, as he thought, were recklessly attacking sound banking institutions and systems of banking. He was Anti-Jackson and Anti-Democratic and whatever the advocates of the Jackson party favored he would be likely to antagonize.

Stevens removed from Gettysburg to Lancaster in 1842. He now retired from politics for a period of eight years, a retirement made necessary because of the entangled condition of his private affairs, and because he did not stand in favor with the dominant and more conservative faction of the Whig party in Lancaster county. He wrote to a friend who urged him to embark actively into the anti-slavery cause for the sake of his country and humanity, that he would do so but for the failure of his partner whom he had trusted with the entire charge of his business. "I have failed for ninety thousand dollars," he wrote, and "I know of no way out of such things but to pay the uttermost farthing. I have moved up to this rich country to earn the means to pay my honest debts."¹

disliked Scott for his vanity, but his strong reason for supporting Harrison was a letter from Harrison assuring Stevens of a place in his cabinet. After the election Stevens made no effort for the place, feeling secure; while Josiah Randall (father of Samuel J. Randall) and Charles B. Penrose (grandfather of Boise B. Penrose) entered aggressively as candidates. Stevens was dumfounded when he saw that his name was omitted from the cabinet list. He never forgave Webster, who, as Stevens believed to the day of his death, had prevented his appointment." *Our Presidents and How We Make Them*, p. 68.

¹ Correspondence with Jonathan Blanchard. Alexander Hood is authority for the statement that Stevens' debts in 1843 amounted to \$217,000. *History of Lancaster County*.

He soon paid the last dollar of this enormous debt, which he was able to do because of a growing and lucrative practise. Stevens was competent in business, though he was open-hearted and open-handed with his means.

Though the Lancaster bar was a very able one and the old lawyers were somewhat jealous of the new-comer, Stevens' practise grew so rapidly that he soon took a front rank among his colleagues, with a practise that brought him an income of from twelve thousand to fifteen thousand dollars a year. Within six months after his arrival no member of that able bar dared to dispute Stevens' "intellectual and legal kingship."¹ He appeared in most of the cases coming to the Supreme Court from Lancaster County. When, after a few years, his debts had been reduced to thirty thousand dollars, he began to look forward again to activity in politics, for which he had a strong liking and a natural bent.

During this period of his retirement in 1842, Stevens received a letter from Salmon P. Chase, written from Cincinnati, by which Chase sought to interest Stevens in the cause of the Liberty party. The two men were strangers to each other, but Chase had noticed Stevens' career and he wrote to him frankly on behalf of a cause in which both men felt a deep interest. Chase enclosed an "address" of the Liberty party published by a convention at Columbus, Ohio, in December, 1841. This address, obviously written by Chase, drew a distinction between abolitionism and the Liberty party. The one sought to abolish

¹ Harris, *Political Conflict*, p. 87.

slavery everywhere, the means being only of a moral nature, as by argument, reason, and persuasion. The Liberty party, on the other hand, sought only to abolish slavery wherever it exists within reach of the constitutional action of Congress, to restrict slavery within the Slave States, and to deliver the government from the control of the *slave power*. Chase made a strong plea for freedom of speech and of the press; he sought to draw Stevens' attention to this cause and he invited an expression of his views. "What I hear of your character," wrote Chase, "leads me to think you will take it in good part. Can not you take ground with us? Can not you bring the old Anti-Masonic party of Pennsylvania on to the Liberty platform? Could Seward, of New York, or Judge McLean, of Ohio, be obtained to lead, or shall we retain Birney?"

Stevens' former friend, Jonathan Blanchard, was then a Presbyterian minister in Cincinnati. He also wrote to Stevens for the Liberty cause. He spoke of Samuel Lewis—"a lawyer, a Methodist preacher and an honest man, three extremes which rarely meet in the composition of man"—and of Doctor Aydelotte, "the highly esteemed President of Woodward College," as being interested with Chase in a proposed anti-slavery meeting in Cincinnati, and if the meeting was held Blanchard was anxious to have Stevens present. "You know," he wrote, "that I am very anxious to have you become a Christian for the salvation of your own soul. Next to this I am anxious to have you employ your extraordinary powers with which God has endowed you for the furtherance of righteousness and justice in this wretched earth. You are

utterly unfit to make speeches on the common miserable topics of political strife. Another thing I want is that you should help Chase to displace the name of Birney and substitute that of Seward or J. Q. Adams as the anti-slavery candidate for President, and in such a way as to prevent a break between eastern and western abolitionists. . . . I meddle but little with politics, seeking only to vote as near right as I can. But I remember you with gratitude. I have an almost superstitious belief in your talents and I do not think you understand their extent.”¹

Stevens delayed his answer to these urgent letters, being undetermined what answer to give. He then wrote to Blanchard:² “I need not say how entirely my views and wishes accord with your own in the object you have in view. The only question is as to the *means* most likely to accomplish it. I have believed that could best be done by declining *as yet* to organize a distinct political party. I am aware how often we have been cheated by the men of other parties,—how few of them prove faithful after being elected. And yet I think the cause of liberty has gained and is gaining more friends by the tyranny of slaveholders and their abettors than could have been done in the same time by the most strenuous associated party effort by us.

“In thinking of the next President, I know that before Harrison’s nomination Gerrit Smith was in favor of General Scott and I suppose he would not have been so without good reason. I have corresponded

¹ Letters and Papers of Stevens, April 9, 1842.

² Under date of May 24, 1842.

with the general lately and find him in favor of the right of petition in its largest sense and a firm and fearless condemner of the proceedings against Mr. Giddings.¹ This is a good deal in these times, enough to make slaveholders and their adherents hate him. Believing that he can be elected and will not deceive us, and will do more for our cause elected than can be done by suffering defeat with a still more thorough anti-slavery man, I have come to the conclusion to support him for the presidency."

Stevens then expressed his admiration for the address of the Liberty Convention and for its author, who, as he said, "possesses a cool head and deep knowledge of mankind as well as a right heart."

The Liberty address, which we would now call a platform, justified the formation of a new party because of the ascendancy of slaveholding influence in all departments of the national government. There was no manly and resolute resistance to slaveholding pretensions; no firm and successful vindication of the claims of free labor; no bold and energetic assertion of the great principles of constitutional liberty nor can any be expected from the two old parties. The right of petition is denied at the violent dictation of slavery. The address denounced the slaveholders as a "privileged order," whose representatives have always acted in solid phalanx whenever the interests of slave labor were in question, and they made the protection and advancement of those interests the price of their political influence in the scales of parties. This power

¹ This refers to the expulsion of Giddings from the House of Representatives in 1842, on account of the Creole Resolutions.

controlled the country, upholding slavery in the District of Columbia and territories, creating new slave states and it has again and again prostrated free labor in the dust. "It has interfered with the domestic legislation of the Free States, stifled freedom of speech and debate, set at naught the right of petition, promoted mob violence within our own border by sending its enemies among us to delude and inflame the ignorant and the vile, and in a neighboring state has stained the soil with blood,—the blood of an upright citizen obnoxious only as a fearless asserter of human rights."¹

In conclusion, the address demanded the absolute and unqualified divorce of the government from slavery and it "gave to the breeze the banner of Constitutional Liberty on whose folds were inscribed, Liberty, Equal Rights, Protection to Free Labor, General Education and Public Economy!"

This voiced fully and forcibly Stevens' sentiments on slavery and the times. He was, however, an astute politician who was playing the game within the Whig party for the control of that organization. He was looking not only to agitation and education, but to success in carrying elections. His dislike of Clay was prompted partly by his distrust of that great leader on the slavery question and partly by Clay's Masonic attachments. He anticipated Clay's nomination in 1844, and while he did not break with the Whig party and while he nominally supported its candidate, he was known not to be disappointed greatly in Clay's defeat. Publicly he supported Clay, but he was accused of secretly conniving at his defeat by privately advising

¹ Referring to the death of Lovejoy in Illinois.

and encouraging anti-slavery Whigs to go off to Birney or to abstain from voting. Stevens had written to General Scott in February, 1842: "The Clay men are taking courage again. They soon forget their defeats. It is best to let them have undisturbed sway until after the next election so that they can not deny that that is a test of their power. They, of course, will be annihilated everywhere, but whether that will teach them wisdom remains to be seen. Our true course seems to me to be to remain on the turf and await events."¹

After the election of 1844, Stevens gave his attention, as far as he was in politics, to leading his wing of the Whig party into dominance and control in Lancaster County. He remained "on the turf" and in the running. He maintained his party regularity, and after another four years had rolled round, his leadership was recognized in his new location and he stepped forth again into public life, this time as a Whig candidate for Congress.

¹ Stevens' Papers, Library of Congress, February 15, 1842.

CHAPTER VI

IN CONGRESS BEFORE THE WAR; ANTI-SLAVERY PHILIPPICS

IN 1848 Stevens received the Whig nomination for Congress in the Lancaster district. He had triumphed over the "machine" of his party, and was elected by the voters of the district by more than four thousand majority over his Democratic opponent.

The Thirty-first Congress of which he became a member was a notable one in American history. It met at a time when the country was in the throes of a renewed agitation on the slavery question, an agitation that threatened the continuance of the Union. Texas had been annexed in spite of anti-slavery opposition. The Mexican War had followed and had just been brought to a successful conclusion. As one of the results of that war, the United States had received from Mexico a large accession of new territory. California had been taken possession of by right of conquest during the war, and in the treaty of Guadalupe Hidalgo, closing the war, Mexico acknowledged the southwestern boundary that Texas had claimed, and ceded to the United States, in addition to California, large areas in the Southwest, including New Mexico and Arizona, Nevada, Utah, and parts of Colorado and Wyoming.

The question immediately arose, what shall be the status of this new territory as to slavery? Shall slavery be permitted there? Or, shall it be excluded by congressional power?

This question which arrayed the two sections of the country against each other and became the political issue of the hour, was associated with a number of other sore and exciting questions relating to slavery. A summary of all these controverted questions that were pending before Congress and the country at the opening of the Thirty-first Congress in December, 1849, is essential to an understanding of the political situation.

The first and most important of all was the question of slavery in the new territories, to which we have referred. Shall slave property be recognized and permitted in the Mexican cessions under national law or shall it be prohibited? The Mexican War had hardly begun when, in anticipation that Mexico would be forced to cede territory to the United States, an appropriation bill was offered granting money to the President to provide for the negotiation, with a view to the purchase of territory. To this "three million bill," David Wilmot, a Democratic Representative of Pennsylvania, moved his celebrated "Wilmot Proviso," to the effect that "neither slavery nor involuntary servitude, except in punishment of crime whereof the party shall have been duly convicted," shall ever exist in any part of any Mexican territory that might be obtained. It was this proposition particularly that threw Congress and the country into an exciting agitation. The "Proviso" did not pass with the

original appropriation bill in connection with which it was proposed; but the proposal remained before the country and there was a grim anti-slavery determination in the North to apply the principle of the Wilmot Proviso to the Mexican cessions, and exclude slavery from the new possessions.

This proposition was very offensive to the South. The Mexican War had been especially promoted and supported by the people of that section. If, now, the fruits of the war were to be denied them and their "peculiar institution" were to be denied legitimate recognition and protection in the new possessions which had come to the United States by the expenditure of Southern blood and treasure, there would be reason enough, according to Southern opinion, for a dissolution of the Union. The Virginia Legislature asserted that the passage of the Wilmot Proviso would be an "outrage," and that the Southern States should never submit to it; such a denial to the South of "equal rights in the territories" would be in itself equivalent to a dissolution of the Union. Calhoun and Rhett, of South Carolina, Berrien, Toombs, and Stephens, of Georgia, and other able statesmen of the South, defended the rights of the Southern people to carry their slave property into the new territory and have it protected there by national power, and they gave notice, substantially, that if this equal protection to their slave property were denied, the Union would be of no further use to them.

On the other hand, the public sentiment of the North was just as decidedly opposed to the further extension of slavery; and while both of the leading political par-

ties refused to insert the principle of the Wilmot Proviso in their campaign platforms in 1848 for fear of losing their Southern supporters, the rank and file of both the Whigs and the Democrats in the Northern States were stoutly opposed to the extension of slavery. So positive was this sentiment that when the parties refused to come out openly for the policy of the Wilmot Proviso, the more radical and pronounced anti-slavery men in both parties came out of their parties and united in the new Free-soil party whose primary purpose was to exclude slavery from the territories. This new party declared for "free soil for a free people" and asserted that, with "free men, free labor, free press and free soil" inscribed upon its banners it would fight on and fight ever until a triumphant victory had crowned its efforts. This party stood for uncompromising opposition to slave extension. It polled 292,000 votes for President in 1848, for Martin Van Buren, a Democratic leader of former days, and this vote represented also the sentiment of many voters who, for reasons of expediency and party loyalty, refused to come out of their old parties. Thousands of Democrats and Whigs who refused to leave their parties, believed in the fundamental principle of the new party—the principle of the Wilmot Proviso. They continued to hope that the object in view could be obtained without the sacrifice of their party interests and ties.

When Congress met in December, 1849, the question as to whether the Wilmot Proviso should be applied to the Mexican cessions was still pending. The Free-soilers had elected a handful of Congressmen, thir-

teen in number, who would be governed in their public conduct primarily with reference to the slavery issue alone, and it was evident that a sharp contest was pending.

Another prominent question was whether California should be admitted as a Free State. Gold was discovered in California in January, 1848, a few days before the peace treaty was made with Mexico. Immigrants from the Eastern States and from all parts of the world began to flow into California, across the plains, by way of the isthmus, around the Horn. These "forty-niners" were mostly Americans, but there were among them all sorts and conditions of men. Vigilance committees and lynch law were at first their only means of government. But within a year and a half, a time that seems almost incredible for such a work, a state of more than 100,000 people had been organized in this new land. By the fall of 1849 a Constitutional Convention had been held under the direction of the Military Governor; a state constitution was adopted by which slavery was excluded from the state by an almost unanimous vote of the convention, and when Congress met in December, 1849, California presented herself at the portals of the Union asking admission as a Free State.

The slaveholders of the South saw that the admission of California would break the "balance of power" in the Senate, between the Slave States and the Free. Iowa had offset Texas and Wisconsin had offset Florida. There was no other slave state ready to come in to offset California, and there was no prospect of any.¹ The Southern leaders therefore ob-

jected to the admission of California. They said she was not ready for statehood, that her organization had been irregular and disorderly and without the authorization of Congress; that she should be remanded to the territorial status and come in when ready by the usual "enabling act" of Congress. On the other hand, the anti-slavery men insisted that California should be immediately admitted with her free-state constitution.

Another aspect of the slavery question that had been before Congress for a number of years, through the persistent and pestiferous petitions and activities of the abolitionists of the North, was that of abolishing slavery in the District of Columbia. Petitions to bring this about continued to come to Congress. The anti-slavery men of the North who wished to relieve themselves of all responsibility for Southern slavery, felt that as long as slavery existed at the national capital they were partly responsible for it. They wished slavery abolished, or prevented, wherever the national authority extended or wherever it might be held that the national authority was responsible for it. That authority was supreme in the District of Columbia, as well as in the territories, and the anti-slavery agitators were determined that the detestable system of slavery should no longer continue under the dome of the national capital.

On the other hand, Southern leaders contended that to abolish slavery in the District of Columbia would be a violation of good faith toward the people of Maryland and Virginia, who had ceded this territory to the federal government as slave territory; that

abolition should not be permitted in the District so long as slavery existed in Maryland and Virginia, and not at all except by the consent of the people of the District and with due compensation for the emancipated slaves. This was a sore question which had been for nearly twenty years a cause of dispute and alienation between the Southern defenders of slavery and the Northern abolitionists, and one rash Southerner went so far as to say in Congress that if slavery were abolished in the District of Columbia, Maryland should reassert her jurisdiction over that territory and enforce her slave code in Washington. This question was pending when the Thirty-first Congress met.

Further, the Southern slaveholders were insisting upon a more stringent fugitive slave law. The public sentiment of the North against slavery, the "Personal Liberty Bills" in many of the states, the decision of the Supreme Court in the case of *Prigg vs. Pennsylvania*, by which it was decided that state officers and agencies could not be required for use in enforcing the Fugitive Slave Act of 1793,—these influences made it very difficult for the Southerners to recover their runaway slaves in the Northern States. They demanded that their right to the recovery of this property, so clearly recognized in the Constitution, should be made secure by the exercise of national authority, and they came to the Thirty-first Congress with an earnest and determined demand that the Northern States should be required to live up to their constitutional compact obligations in this regard.

This demand, as might be expected, met resistance among representatives of strong anti-slavery constitu-

encies. They asserted it to be their duty to protect their free colored inhabitants from being kidnaped and carried into slavery, and that the freedom and safety of a single one of these free negroes was a more important matter than the escape of many fugitives from bondage. The "slave catcher" was hateful to Northern communities, and while the politicians and thousands of others in the North who were indifferent to the cause of the slave were willing that the obligation to return the slave should be lived up to, there were yet thousands of anti-slavery men who were determined that, law or no law, the fugitive should not be returned. This was a constant source of irritation and quarrel.

Further, Northern men were insisting, as a means of crippling slavery, that the interstate slave trade should be prohibited,—which, of course, would be an offense to the South; while Southern men were standing up for the full recognition of the extensive claims of Texas to the Rio Grande as her southwestern boundary, a claim that was denounced as extravagant and absurd even by some men from the Slave States, and which, if allowed, would materially extend slave jurisdiction; while the more ardent friends of Texas were threatening to "light the fires of civil war from the Potomac to the Rio Grande" if the claim were not allowed.

Never before had Congress met in such trying times. These questions had all been hotly discussed by the press and on the hustings in both sections of the Union. A temper had been aroused on both sides of the great slavery controversy that was disposed to per-

mit of no further yielding. Moderate men believed that unless this contentious and antagonistic spirit could be curbed and the spirit of conciliation and compromise be substituted for it, the Union was in serious danger. If the preservation of the American Union was to be regarded as the paramount consideration of the hour and as the most precious object of American statesmanship, then a public character like that of Henry Clay, and not like that of Thaddeus Stevens, was the kind of a man the times called for. Clay was the man who was needed to adjust matters, to fix up difficulties, to put restraints upon men's purposes and desires for the sake of peace.

The opening days of the Thirty-first Congress illustrate the sharp divisions between the sections. The Congress was organized amid passion and strife, after a sharp and protracted struggle over the election of a Speaker, and for the first time in the history of Congress a Speaker was elected by only a plurality of votes. There were nine Free-soil members of the House who would give their votes to neither party, unless pledges were made favorable to the Free-soil cause, and there were several other members who, it seems, voted independently of their party caucus nominations. The more positive anti-slavery men were dissatisfied with the course of Robert C. Winthrop, the Whig Speaker of the former House, and they now stoutly refused to vote for his reelection; nor would they vote for the Democratic candidate, Mr. Howell Cobb, of Georgia. The consequence was, neither party could muster a majority of the House. The struggle was over the committees. The Free-soilers were anxious

that the committees on the territories, the judiciary, and the District of Columbia, should be made up in a way that would be satisfactory to them, and they would vote for no one for Speaker who would not give satisfactory pledges on that score. They wished their cause to have a fair and open hearing and that all projects in opposition to slavery should not be smothered in committee, but that the public sentiment of the North might have a chance to be heard on "the great question that now agitated the country."¹

On one ballot five of these Free-soilers voted for William J. Brown, a Democratic member from Indiana, who had been put forward by the Democrats after repeated trials for Cobb, in the hope of uniting enough votes to elect. Brown came within two votes of being elected, Wilmot and other Free-soilers aiding him, because Brown had written to Wilmot saying that he (Brown) being a representative of a Free State had "always been opposed to the extension of slavery," and that he would "constitute the committees on the District of Columbia, the territories, and the judiciary in such a manner as shall be satisfactory to yourself and friends." When it was noticed that Free-soilers were voting for the Democratic candidate, suspicion was aroused and when the fact was brought out that Brown had made pledges to one of the Free-soil leaders, he was, as might be expected, abandoned and denounced by the Southern Democrats.

While Wilmot was explaining the uncovered "bargain" between Brown and the Free-soilers, Stevens sought to bring out by a question whether or not Wil-

¹ *Globe*, December 12, 1849, p. 21.

mot had reason to believe, from Brown's pledges, that the committees would be composed of members who were in favor of free soil. Wilmot replied that he had reason to believe that "the majority of the committees would be composed of fair Northern men," at which there was "great laughter over the hall" and applause in some parts with several voices inquiring, "Where are the three aces?" Wilmot explained that by "fair Northern men" he meant "men who would not give their aid to stifle the expression of the sentiments of the people of the North,"—namely, that slavery should go no further, which Wilmot believed to be the sentiment of two-thirds of the Northern people. Stevens, by another question to Wilmot, called the attention of the House and country to the fact that his Free-soil correspondence with Brown merely showed the same state of things as that which took place two years before between certain gentlemen and Mr. Winthrop previous to Winthrop's election as Speaker of the preceding Congress. Pledges had appeared to be necessary *then*, and the committees had been subsequently organized in a way calculated to suppress anti-slavery discussion, presumably in accordance with Winthrop's agreement. The anti-slavery men complained that in spite of pressure and petitions from the North, these important committees would not act, and that the committees had been "fixed" by agreement to secure this masterly inactivity. They would have no more such committees, nor a Speaker who would so use his power to frustrate and defeat the anti-slavery cause.

This little band of Free-soilers, led by David Wilmot, of Pennsylvania, Joshua R. Giddings and Joseph

M. Root, of Ohio, George W. Julian, of Indiana, Preston King, of New York, and Charles Allen and Horace Mann, of Massachusetts, here gave formal and public notice that they were ready to subordinate all other causes to that of resisting the further spread of slavery; that they would resist any further national protection, or patronage, to the slavery interest; and that they proposed to use all the political power and influence at their command in organizing the House, and in all other ways to arouse the latent sentiment among the old parties in the North to assert itself against what they deemed the aggressions of slavery.

This policy met with fierce resentment on the part of Southern leaders. They, also, proposed to resist "aggression." They considered all opposition to slavery as "aggression on the rights of the South," and they gave peremptory notice that they would not yield to anti-slavery influences, the control of the important committees having Southern interests in charge. They were ready to sink their former political and party differences in order to defeat the Free-soil program. Meade, of Virginia, expressed his willingness to take a Speaker from either party, provided he were known to be opposed to the abolition of slavery in the District of Columbia and its prohibition in the territories. "If slavery," he said, "is to be abolished in the District or prohibited in the territories, I trust in God that my eyes have rested upon the last Speaker of the House of Representatives."¹

Meade admitted that the delay in organizing the House came from the fear that certain anti-slavery

¹ Dec. 13, 1849, *Globe*, p. 26.

bills would be introduced, reported favorably and passed,—referring to the abolition of slavery in the District of Columbia, and its prohibition in the territories. If this were done, he said, it would “either destroy the Confederacy or enslave a large portion of it,” and he called upon the conservative elements of both parties to unite, to “crush the demon of discord” by opposing these anti-slavery measures. Meade said that he was but expressing the one determination of the South,—“one solemn resolve to defend their homes and maintain their honor, contending, as they were, for their firesides, against the robbers who are seeking to despoil them of their rights and degrade them before the world.”

Mr. Toombs, of Georgia, whose mien and words were adapted to “firing the Southern heart,” spoke even more threateningly. He did not propose to be restrained by eulogies upon the Union, and he was determined to make the slavery interests of his constituents the basis of his political action. “I do not hesitate,” he said, “to avow before this House and the country, and in the presence of the living God, that if by your legislation you seek to drive us from the territories of California and New Mexico, purchased by the common blood and treasure of the whole people, and to abolish slavery in this District, thereby attempting to fix a national degradation upon half the states of this Confederacy, *I am for disunion*: and if my physical courage be equal to the maintenance of my convictions of right and duty, I will devote all I am and all I have on earth to its consummation.” Toombs demanded securities that the organization of

the House should not be used to the injury of his slaveholding constituents. If these were given there would be cooperation and tranquillity: if not, then, so far as he was concerned, "Let discord reign forever."¹

Alexander H. Stephens, a colleague of Toombs from Georgia, explicitly endorsed what Toombs had said. "The day in which aggression is consummated," he said, "the Union is dissolved. We do not intend to submit to aggressions on our rights." The Reverend Mr. Hilliard, a Methodist preacher, who represented one of the Alabama districts, in a prepared speech delivered soon after the organization of the House, spoke with the same spirit of defiance and boldness. Hilliard, like Toombs, was one of the more violent of the Southern "fire-eaters" and was among the most insistent defenders of slavery. He was charged by Stanly, a Whig-Unionist of North Carolina, with appealing to the spirit of revolution and disunionism.² Hilliard asserted that the passage of the Wilmot Proviso would drive the Southern States to resistance. He did not propose to discuss slavery as a moral question; it was entirely political; but he gave notice to the North that "the declaration of your fixed purpose to bind down the slaveholding states within their present limits, has aroused a spirit which you will find it no easy task to subdue." He asserted that "one feeling, one purpose, one spirit, moves the entire mass of awakened and indignant freemen; it is their solemn purpose not only to resist your threatened encroach-

¹ *Globe*, Dec. 13, 1849, p. 28.

² See the controversy between Hilliard and Stanly in the *Globe*, March 6, 7, 1850.

ments, but to demand guarantees for their future safety. If you mean to deny us participation in the territories, then the time is come when the Southern States must decide a grave question,—either to submit to gradual but perfectly certain change in their organic structure or resist the threatened encroachment on their rights at every hazard.”¹

It was in this spirit of positive and radical resistance to the anti-slavery cause that most of the Southern members of both parties came to the Thirty-first Congress. There were ominous signs of discord and disunion. Southern States had expressed open defiance of the Northern purpose to restrict slavery, and a determination had been expressed to resist restriction at all hazards. The Virginia Legislature had requested the Governor to call an extra session of that body if Congress should pass the Wilmot Proviso, and other official expressions had been taken looking toward a Southern Disunion Convention in that event. There was no mistaking the Southern temper on the question of slavery.

There were very few men in Congress from the North who were prepared to meet this Southern boldness of spirit with a like attitude of defiance and resistance. The Free-soilers were among these few and they were there with the purpose, and with the courage, to press their cause even in the face of these threats of disunion. Joseph M. Root, of Ohio, ridiculed Meade's threat of dissolution, saying that if the Union must be dissolved he hoped it would come before the House were organized, for “then it would not be

¹ *Globe*, Feb. 14, 1850, p. 360.

binding and might be restored." But if it should come upon a report of a bill for the abolition of slavery in the District of Columbia,—“why, then, would come the time for a fight in defense of wife and little ones, the household gods and all the other household furniture.” Root, in good-natured satire, expressed assurance that nothing would allay discord more than such calm and moderate speeches as the one just made by Southern gentlemen! The Wilmot Proviso had been denounced as “humbug and tomfoolery,” but Root ventured to assert that “nine out of ten Whig representatives of the North would not, and the others dare not,” say such a thing to their constituents. “Let them do so and there would be in his section of the country political graves as thickly spread as the graves of the victims of the cholera in those villages over which the pestilence had swept, whose fields would be so full of graves as to make them look like stone-quarries, where there would not be turf enough for a man to wipe his feet on.”

The Free-soilers believed that the principle of the Wilmot Proviso was a deep immovable sentiment fixed in the hearts of the Northern people, who expected their representatives to speak out on all proper occasions, and that the sole policy of the old parties was to dodge this question and to shirk responsibility. The Free-soilers were determined that, if they could prevent it, there should be no dodging, but that the men from the North in the old parties should go upon record on this “most absorbing and exciting question of public policy that was then overriding all others.” When it was proposed to elect the Speaker by ballot, or

to deprive him of the power to appoint the committees, Root denounced both processes. One plan, he said, would enable men to skulk under the secret ballot; while, under the other, the House would find it as hard to name the committees as to name the Speaker, and in the attempt, the same old question would arise, and the same terrible "demon of discord would have its horns up." It would not answer for a good dodge. If it were intended to open a hole for tender-footed Free-soil Democrats to escape by, it would not answer the purpose. They could not get out of it. No; they must face the music,—God help them! If the gentlemen got through such a loophole they would find worse troubles beyond. There must be marching boldly up and taking the bull by the horns."

Root denied that it was the fault of the "impracticable Free-soilers" that the House had not been organized. If the majority wished to carry out the policy of Southern gentlemen and put a gag upon a sentiment that was firmly established in the North, let them do it; they have the votes. But they should do it boldly, openly, manfully; there should be no loopholes. He did not quarrel with Southern men for speaking out and acting upon their honest convictions, a right which the Free-soilers claimed for themselves. "But I would to God," said Root, "that Northern men representing Northern constituencies would stand up with the same manliness in defense of their rights as Southern representatives do and always have done since I have been a member of this House. Let Northern men meet this question boldly and not try to dodge. Let them represent the will of their constitu-

ents, if they can conscientiously; if not, let them back out and leave the people free to send other representatives here who will fairly represent their views and feelings on this subject.”¹

Finally, on December 22nd, after three weeks of wrangling, a resolution was passed declaring that a plurality vote should elect a Speaker, and Mr. Howell Cobb, of Georgia, a pro-slavery Democrat, was chosen to the position. During the days of balloting, as many as twenty-four members of the House voted for Stevens for Speaker, among them being a number of Free-soilers, including Giddings, Root and Horace Mann. Giddings expressed the opinion that the Free-soilers were ready to accept Stevens on the strength of his known opinions and record on the subject of slavery. Stevens was not a Free-soiler; that is, he had not left the Whig party to join a new one, to act in politics primarily with reference to the slavery issue; and in the struggle over the speakership he supported the caucus action of his party and voted for Winthrop. But he had strong anti-slavery convictions; he believed in the principle and policy for which the Free-soilers were standing; and he was the kind of a Northern representative that Root had prayed for,—he would stand up boldly and declare his convictions about slavery extension; he was not disposed to compromise, nor sneak into some loophole of escape from responsibility, and he would not be cowed by Southern threats of discord and disunion.

Stevens soon found opportunity to show his aggressive and unyielding spirit. He believed that

¹ *Globe*, Dec. 14, 1849, pp. 32, 33.

Northern representatives were shrinking too timidly before the angry menaces and threats from the South. He was not alarmed by these threats of disunion, which, as it appeared to him, were leading many Northern men to disavow their solemnly declared opinions and to prove recreant to the interest of the nation by withdrawing opposition to the spread of slavery. That the Union-saving propensities of the Northern Whigs were leading them to abandon their former anti-slavery purposes was seen in the fact that Root's resolution prohibiting slavery in the newly acquired territory was, on February 4, 1850, laid on the table by a vote of one hundred and five to seventy-five. Five weeks before this motion had been rejected, and it appeared that a majority were going to stand out stoutly against slavery extension. But now thirty Northern members, eighteen Democrats and fourteen Whigs, voted against the principle of the Wilmot Proviso and Congress refused to promote the policy of keeping slavery from the territories.

To Stevens this seemed like yielding to Southern dictation and like an unworthy surrender of anti-slavery convictions. On February 29th, while the House was in the committee of the whole on the state of the Union, he obtained the floor and spoke for an hour on the slavery question. He assumed an attitude like that of a bold and honest Southerner, as defiant as Toombs,—quite different from what Southern gentlemen were used to in their Northern colleagues. They were accustomed to pleas for peace, and to honeyed speeches about the Union and the glorious sacrifices of the sisterhood of states in the Revolution.

Stevens showed them another tone, a tone that was quite different from that of the "doughfaces" from the North that the advocates of slavery were used to dealing with, and it was, perhaps, a tone that the fiery spirits from the South stood in need of.

Stevens' apology for speaking and consuming the time of the House in a general discussion, was that he saw no prospect of any practical legislation; the time, as he thought, was being occupied by speeches on the subject of slavery, mostly by Southern men with a well-defined object, partly to intimidate Congress, partly to kill time, so that no legislation could be matured obnoxious to Southern gentlemen. Indeed, on that point the House was not left to conjecture, since Mr. Clingman, of North Carolina, who had "been selected to open the debate in behalf of human bondage, distinctly notified us that unless Congress submitted to settle the slavery question according to Southern demands, there should be no legislation, even to the passage of the appropriation bills necessary to sustain the government." Stevens denounced this purpose as a well-defined and palpable conspiracy of Southern members to stop the supplies and disorganize and dissolve the government,—if any anti-slavery legislation were attempted. "We can say anything within these walls or beyond them with impunity, unless it be to agitate in favor of human liberty — *that is aggression!*"

What was the grave offense that was held to justify the threat of disunion? The refusal to extend an evil, an unmitigated wrong,—the apprehension that the Congress of this free republic would not propagate,

nor permit to be propagated, the institution of human slavery into her vast territories now free. This thing sought to be forced upon the territories at the risk of treason and rebellion, Stevens described as "a gigantic evil that ought to be interdicted and opposed by statesmen, philanthropists and moralists," notwithstanding the bold position taken by the gentlemen from the South.

While thus announcing his unchangeable hostility to slavery in every form and in every place; Stevens avowed his determination to stand by all the compromises of the Constitution and carry them into effect. Some of these compromises he very much disliked, but they were in the Constitution and he would not disturb them. Under these compromises he recognized, with regret, that Congress had no power over slavery in the states. But wherever that institution was within the control of Congress he would go, regardless of all threats, for its certain and final extinction.

"I know of no one who claims the right, or desires to touch it within the states. But when we come to form governments for territories acquired long since the formation of the Constitution, and to admit new states whose only claim for admission depends on the will of Congress, we are bound to discharge that duty as shall best contribute to the prosperity, the power, the permanency and the glory of the nation."

Stevens then brought into review the merits of slavery, to determine whether in any respect it tended to contribute to the national welfare. He first denounced the system of slave labor from an economic point of view. Slavery absorbed the land for the

few, preventing its being settled by freemen. Its laborers, "having no ambition to gratify, no love of gain to stimulate them, no parental feelings to impel them to action, are idle and wasteful. When the lash is the only stimulant, the spirit of man revolts from labor. Despotism may be powerful and long sustained by a mixed population of serfs and nobles; but free representative republics that rely upon the voluntary action of the people never can. Under such governments those who defend and support the country must have a stake in the soil; must have interests to protect and rights to defend. Slave countries can never have such a yeomanry.

"There is no sound connecting link between the aristocrat and the slave. True, there is a class of human beings between them; but they are the most worthless and miserable of mankind. The poor white laborer is the scorn of the slave himself. For slavery always degrades labor. The white people who work with their hands are ranked with the other laborers,—the slaves. They feel that they are degraded and despised and their minds and conduct generally conform to their condition."

Slavery, besides degrading the laboring population, tends to exhaust and waste the land. Sloth, negligence, improvidence are its consequences. Stevens proceeded to compare Virginia very unfavorably with her sister states in the North. The richest, most populous, most powerful state at the time of the adoption of the Constitution, what is Virginia now? With a climate and natural resources unsurpassed, Virginia has fallen behind. Now New York will

treble her in population. While towns and thriving cities are springing up in the North, in Virginia there is scarcely a new town within her borders, and "her ancient villages wear the appearance of mournful decay. Her minerals and timber are unwrought. Her noble water power is but partially occupied. Her fine harbors are without ships, except from other ports; and her seaport towns are without commerce and falling into decay. Ask yourself the cause, sir, and I will abide the answer."

Slavery prevents the diffusion of education. Under that system education is a privilege only for the rich. "The poor white laborer's children could never be permitted to mingle in the same schools and sit upon the same benches with the rich men's sons. That would be offensive."

In referring to the "blood and treasure and gallantry of the South," of which much had been said, Stevens admitted that the South had furnished "most of the men who have borne the official burdens of the government both in the civil and the military list." "The South has always furnished officers for our armies; Presidents for the republic; most of our foreign ambassadors; heads of departments; chiefs of bureaus; and, sometimes, in her proud humility, has consented that the younger sons of her dilapidated houses should monopolize the places of clerks and messengers to the government. But whence are drawn the common soldiery, the men who peril their lives and win victories for your glory? Almost entirely from the Free States. . . . Our Northern freemen have always filled the ranks of the regular army. The South has lent us

the gentlemen to wear the epaulettes and the sword ; to take command of our troops and lead them to southern and western climates to fight the frontier battles and whiten your fields with their bones."

Stevens opposed the diffusion of slavery because confining it "within its present limits would bring the states themselves to its gradual abolition." "Let the disease spread, and although it will render the whole body leprous and loathsome, yet it will long survive. Confine it, and like the cancer that is tending to the heart, it must be eradicated or it will eat out the vitals."

This result, the gradual abolition of slavery, which according to the admission of Southern men themselves would follow its restriction, was to Stevens' mind the most agreeable consequence of that policy. "Confine this malady within its present limits. Surround it by a cordon of freemen that it can not spread, and in less than twenty-five years every slaveholding state in this Union will have on its statute books a law for the gradual and final extinction of slavery. Then will have been consummated the fondest wishes of every patriot's heart. Then will our fair country be glorious indeed, and be to posterity a bright example of the true principles of government — of universal freedom."

Referring to the claim set forth by Meade, of Virginia, that the value of Virginia's half million of slave population was chiefly dependent on Southern demand, Stevens asked what meaning attached to such a humiliating confession. "In plain English, what does it mean? That Virginia is now only fit to be

the *breeder*, not the employer of slaves. That she is reduced to the condition that her proud chivalry are compelled to turn slave-traders for a livelihood! Instead of attempting to renovate the soil, and by their own honest labor compelling the earth to yield her abundance; instead of seeking for the best breed of cattle and horses to feed on her hills and valleys and fertilize the land, the sons of that great state must devote their time to selecting and grooming the most lusty sires and the most fruitful wenches to supply the slave barracoons of the South! And the gentleman pathetically laments that the profits of this genteel traffic will be greatly lessened by the circumscription of slavery. This is his picture, not mine."

He denounced the government, both state and national, as a despotism to the extent of government's support of slavery. That government is despotic where the rulers govern subjects by their own mere will. "In this government the free white citizens are the rulers,—the sovereigns, as we delight to call them. All others are subjects. In this government the subject has no rights, social, political or personal. He has no voice in the laws which govern him. He can hold no property. His very wife and children are not his. His labor is another's. He and all that pertains to him are the absolute property of his rulers. He is governed, bought, sold, punished, executed, by laws to which he never gave his assent, and by rulers whom he never chose. He is not a serf merely, with half the rights of men, like the subjects of despotic Russia; but a naked slave, stripped of every right which God and nature gave him, and which the high

spirit of our revolution declared inalienable — which he himself could not surrender, and which man could not take from him. Is he not then the subject of despotic sway?

“But we are told that it is none of our business; that Southern slavery is a matter between the slaveholder and his own conscience. I trust it may be so decided by impartial history and the unerring Judge; that we may not be branded with that great stigma and that grievous burden may not weigh upon our souls. But could we hope for that justification, if now, when we have the power to prevent it, we should permit this evil to spread over thousands of square leagues now free and settle upon unborn millions? Sir, for myself, I should look upon any Northern man, enlightened by a Northern education, who would, directly or indirectly, by omission or commission, by basely voting or cowardly skulking, permit it to spread over one rood of God’s free earth, as a traitor to liberty and a recreant to God!”

Stevens again quoted Meade to the effect that though the South had been “in a numerical minority in the Union for fifty years yet during the greater part of that period we have managed to control the destinies of the Union.” Stevens regarded this statement as both candid and true, and he did not complain of it. “But,” he said, “I can not listen to the recital without feeling the burning blush on my countenance that the North, with her overshadowing millions of freemen, has, for half a century, been tame and servile enough to submit to this arrogant rule.” He denounced the arrogance, the insults, and insolent threats of Southern

men. Congress had been intimidated and the North had been frightened from its proper course. "Dough-faces" had been found in plenty to act as the servile tools of the slave-driver. He hoped that the race of the "doughface" had become extinct. They were an unmanly unvirile race; the old ones were in deep political graves and it was hoped that they had left no descendants. "For them I am sure there is no resurrection, for they were soulless. Now, when the whole civilized world is denouncing slavery as a curse, a shame and a crime, I trust that when the great battle between liberty and slavery comes to be fought on this floor, there will none be found hiding among the stuff, no fraudulent concealments, not one accursed Achan in this whole camp of the Representatives of freemen." ¹

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Stevens closed his speech with an appeal to the accomplished gentleman from Alabama (Reverend Mr. Hilliard) who might, he said, "with fervid piety and eloquence more thrilling than that which made Felix tremble, warn his illustrious friend, the President, of the awful, the inexorable doom—'Accursed is the man-stealer'"; and he asked the House spokesman of the lowly Nazarene to inquire of his own conscience, as he contemplated "the thronging thousands traveling to the great dread tribunal, summoned to give evidence of deeds done in the body, who was most likely to meet a hearty welcome there,—he whose cause was advocated by the supplicating voices of thousands with whom he had dealt justly on earth and made free indeed, or he whose admission should be with-

¹ *Globe*, Feb. 20, 1850, Append. Vol. 22, Part 1, pp. 141-143.

stood by myriads of crushed and lacerated souls, showing their chains, their stripes and their wounds to their Father and to his Father; to their God and to his Judge." ¹

As was to be expected, this speech did not go down very well with Southern members. It was made with a purpose, not of arousing, but of opposing the fiery Southern spirit, by setting forth something of the same bold and fighting temper that Southern representatives had been manifesting. Such a speech was most irritating to the ardent defenders of slavery. A few days later Millson, of Virginia, reflected this irritation. He took special umbrage at Stevens' reference to the "degradation of Virginia," the land of Washington, Jefferson, Mason, Marshall, the Randolphs and the Lees. He referred to the "gross and offensive allusions," the "feeling of loathing and indignation" excited by language that "was so gross as not to bear repetition." ²

Williams, of Tennessee, said that the gentleman from Pennsylvania had "grossly slandered the South, forcing the conviction that he had at some period of his life been a political bankrupt; that he was here by accident; that he had made a desperate, reckless, daredevil move to obtain a forward position in Pennsylvania on a popular hobby." ³

Stanton, of Kentucky, resented Stevens' description of the free white population of the South. He himself had sprung from that class so wantonly denounced.

¹ *Globe*, Appen., Feb. 20, 1850, pp. 141-143.

² *Globe*, Feb. 21 and 26.

³ Appendix, *Globe*, p. 292, March 12, 1850.

He pronounced Stevens' charges as "base unmitigated slanders," and he affirmed that the free laborers of his state were as "moral, intelligent, high-minded and patriotic a class of men as could be found in any state of the Union." "If the gentleman with his disposition to vilify and slander persons of whom he knows nothing, should come among us there is not a respectable negro who would deem him a fit associate. Let the gentleman look at the poverty of the North and the wretched condition of the free laborers there." ¹

Stanly, of North Carolina, denounced Stevens for uttering "sentiments clothed in language that a Southern gentleman would not use to a respectable negro." He referred to Stevens as an old "Anti-Mason," from whom *ultraism* was to be expected. "And since Anti-Masonry will no longer serve for a hobby-horse, the gentleman must preach against the horrors and despotism of slavery. I hope his next speech will be fit to read in the families of Pennsylvania farmers," and that "the gentleman will find some other Morgan to frighten the grandmothers and children of Pennsylvania with. I ask him to let us alone."

It is doubtless true that if the Southern slaveholders had been "let alone" in their purpose and desire to retain and extend human slavery there would have been no quarrel, no antagonism, no friction. But if any one attempted, without mincing his words, to lay bare the evils of slavery; if he sought boldly to restrict its area and to use the power of the national government to weaken and restrain it and to put it in

¹ *Globe*, March 11, 1850.

the course of ultimate extinction, then he was "an enemy to the South," he was "vilifying the Southern people," and he was "fomenting dangerous agitation, sectionalism and disunion." In the bitter hostility that was visited upon him for his course in this matter, Stevens was no exception. Horace Mann, educator, philanthropist, and friend of humanity, shared with Stevens and all other radical anti-slavery men, the denunciation of Southern representatives. Mann had asserted that the term "Free-soiler," which applied to him, was constantly used upon the floor of Congress as "a term of ignominy and reproach." When he spoke out in defense of the cause for which the Free-soiler stood, i. e., the exclusion of slavery from the territories, and the purpose "to stand upon the frontier to keep the sin of slavery from crossing its borders," Mann was denounced for making a speech that was "offensive to every Southern man in the house, as if he delighted to wound Southern feeling"; he was represented as "fanning the flames of fanaticism" and "outraging the feeling of his fellow-members," whose speech was "unworthy of being spoken of in respectful terms."¹

Mann had drawn a forcible picture of the dark and dread conditions under civil war and disunion which, he said, rash spirits from the South were threatening. They were proposing such a hazard, not that they "might defend the rights of man but in order to subjugate a realm to slavery." But with all the horrors of disunion and civil war before him Mann said he would accept such a war rather than an extension of

¹ Stanly, of North Carolina, March 6, 1850. Append., p. 341.

slavery,—“better anything that God in His providence shall send than an extension of the boundaries of slavery.”¹

If Mann, gentle, refined and scholarly, who uttered his severe truths without any spirit of retaliation or crimination, could be so denounced for his noble speech—noble both in its content and its purpose—how much more might it be expected that Southern wrath would descend upon the head of Stevens, who had less regard for the tender feelings of his opponents, and who had no scruple against fighting a foe with his own words and weapons. No outspoken opponent of slavery could expect to escape Southern wrath. The sum total of anti-slavery sinning was in the failure to keep silence. But if sharp and bitter words, if anger and indignation and hot-tempered denunciation were to be a part of the legislative warfare upon which the slaveholders had entered, they were to find in Stevens an opponent who was also past master in that art. He was more than a match for any of them in that kind of fighting. He anticipated exactly the spirit that he had aroused. It is not improbable that he took a wee bit of pleasure in irritating the Southern leaders and provoking them to excessive speech. And when they exposed themselves by defending a social system so indefensible as was American slavery, they gave him the cue for his stinging shafts. He was unmoved by their angry denunciation. At any rate, he did not propose to be deterred from expressing on the floor of the American Congress and in the face of slaveholders, if need be, his

¹ *Globe*, Feb. 15, 1850, Append., pp. 218-224.

abhorrence of slavery and his belief in its criminality.

Later in the session, on June 10, 1850, while discussing the California question, he improved the opportunity again to discuss the evils of slavery, and this second attack was even fiercer than the first. As to California and the territories, he first laid down the sound constitutional doctrine — a doctrine since affirmed by the Supreme Court in the *Insular* cases — that the Constitution does not of itself extend over new territory. No territorial officer holds by a constitutional tenure. No law of the United States was ever supposed to be extended to any of the territories by mere force of the Constitution. The Fugitive Slave Clause does not, and a slave escaping to New Mexico or California would be instantly free. A special act of Congress would be necessary to make the law apply. Such was Stevens' argument.

He held that Congress could abolish or prevent slavery in the territories, but could establish it nowhere, since to do so would be inconsistent with the fundamental principles of the government set forth in the Declaration of Independence. Whenever those principles are not altered or overruled by the Constitution they control the action of the government.

Then, since slavery had been constantly defended upon the floor as a blessing and a divine institution, he thought it proper to examine again into its character. He had expected to be assailed by the defenders of slavery and, now, his renewed effort would, of course, bring down upon him all its venom. He found consolation in the career of John Quincy

Adams who, because of his defending human rights and denouncing slavery in that hall, had been made the object of the bitterest personal abuse in the House. "No motives were too foul to impute to him; no crimes too atrocious to charge upon him." Stevens disclaimed the vanity of expecting "to be touched by any of the rays of that glory which will forever surround his (Adams') name on account of the calumnies, the insults, and the persecutions, which he endured in this high and holy cause."

Stevens complained that the attention of the Southern members had been directed, not to his speech, but to him personally. No one had attempted to deny his facts or refute his arguments. They had merely applied personal vituperation and the filth and slime of "Billingsgate"; *that* he would leave to fish-women and to their coadjutors, these gentlemen from the South.

Stevens then turned his attention to the defense that had been made of slavery, that it was a blessing, moral, political, personal; that the slaves were better off than the laboring freemen in the North; that, in many instances, having tried freedom, the slaves had voluntarily returned to bondage. "Well," said Stevens, "if this be so, let us give all a chance to enjoy this blessing. Let the slaves who choose, go free; and the free who choose, become slaves. If these gentlemen believe there is a word of truth in what they preach, the slaveholders need be under no apprehension that they will ever lack bondsmen. Their slaves would remain and many freemen would seek admission to this happy condition. If these Southern

gentlemen and their Northern sycophants are sincere and correct, they have just cause of complaint, the only aggression the North has ever inflicted upon them, because for two centuries the North has contributed to secure to a particular race the whole advantage of this blissful condition of slavery, imposing on the white race the cares, the troubles, the lean anxieties of freedom. This inconsistent monopoly should be corrected. If it will save the Union, let these gentlemen introduce a 'compromise,' by which these races may change conditions; by which the oppressed master may slide into that happy state where he can stretch his sleek limbs on the sunny ground without fear of deranging his toilet, and with no care for to-morrow, when another will be bound to find him meat and drink, food and raiment, and provide for the infirmities and helplessness of old age.

"A few short years of apprenticeship would fit the white man for slavery. True, in becoming a slave he would lose half the man; in fact, all manhood might be expunged, except the faint glimmerings of an immortal soul. But let the white man not be discouraged. He may attain that blissful state of slavery if he will go courageously to the swamp, spade and mattock in hand, and uncovered and half-naked, toil beneath the broiling sun. If he will go to his hut at night and sleep on the bare ground and go forth in the morning unwashed to his daily labor, a few short years, or a generation or two, at most, will give him a color that will pass muster in the most fastidious and pious slave market in Christendom. His shape, through parched and swollen lips and with his feet

unconfined by shoes, will also gradually conform to his condition; and the mind, cut off from all ambitious aspirations, will soon lose all foolish and perplexing desires for freedom, and the whole man will be sunk into slavery's most happy and contented indifference."

Stevens vigorously condemned the Southern clergymen who were using their talents and office to praise the *comforts* and *advantages* of slavery. He would not answer their "absurd and blasphemous position," but this he would say, that "these reverend parasites do more to make infidels than all the writings of Hume, Voltaire and Paine. If it were once shown that the Bible authorized, sanctioned, and enjoined slavery, no good man would be a Christian. It contains no such horrible doctrine. But if it did, it would be conclusive evidence, to my mind, that it is a spurious imposition, and not the word of the God who is the Father of all men and no respecter of persons. He indeed must have a callous heart who can speak of the *benevolence of slavery*." Comparing slavery to Dante's *Inferno*, where those in the innermost circle, Lucifer and Judas Iscariot, suffered the greatest torture while those in the outer circles suffered less, he hoped that in the next edition there would be added another inner circle for the *Traitors to Liberty*; and he maintained that, notwithstanding the difference in degrees of suffering in slavery, the whole system was one cruel, desolate, horrible hell. "These reverend perverters of scripture might devote their subtlety to locating the exact spot where the *most comfort* might be enjoyed,—the coolest corner in the lake that burns with fire and brimstone."

He resented the charge of fanaticism. "There can be no fanatics in the cause of genuine liberty. Fanaticism is *excessive zeal*. There may be fanatics in false religion, in superstition. But there can be no fanaticism, however high the enthusiasm, however warm the zeal, in true religion, or in the cause of national, universal liberty."

He noticed the claim that those who were preaching freedom were the slaves' worst enemies, that they were merely causing their burdens to be made heavier. It had been so with tyrants in every age. Moses and Aaron, those "fanatical abolitionists," when they agitated "for freedom in Egypt," found it so. "The nearer the oppressed is to freedom, the more hopeful the struggle, the more friends that are raised up for him, the tighter the master rivets his chains. Pharaoh had hardened his heart. But did the Lord regard Moses as the worst enemy of those in bondage and command him to desist? No, he was commanded to agitate again; and the plagues came, though the great slaveholder did not relax his grasp on his victims until there was wailing throughout the land over the first born slain in every household." So, he feared, it would be in this land of wicked slavery. He warned the Southern people to write Justice on their doorposts, "that when the destroying Angel goes forth, as go forth he will, he may pass you by."

He would never consent to the admission of another Slave State, nor to the increase of slave representation. He considered it an outrage on every representative principle that there should be "twenty-five representa-

tives in Congress who were virtually the representatives of slaves alone."

He expressed his abhorrence of the word "compromise" when applied to human rights. It was known that when Congress assembled, a large majority were in favor of prohibiting slavery from the territories and against admitting new Slave States. But terror, treason, and threats had been used to compel that majority to yield to a turbulent minority. He referred to the compromise bill as a "monster," and he looked for an opportunity of "knocking it in the head." He denounced the "ten million bribe to Texas" and the proposal to appropriate two hundred millions in order to exile, by colonization in Africa, Virginia's free black population. When asked if New England had not sold and imported slaves, he replied that she had; "she was very wicked; she has long since repented. Go, ye, and do likewise."

Stevens disclaimed a desire to make personal reproaches and all ill-will toward any human being. "Least of all would I reproach the South. I honor her courage and fidelity. Even in a bad, a wicked cause, she shows a united front. All her sons are faithful to the cause of human bondage, because it is *their* cause. But the North—the poor, timid, mercenary, driveling North—has no such united defenders of her cause, although it is the cause of human liberty. Even her own great men have turned her accusers. She is the victim of low ambition—an ambition which prefers self to country, personal aggrandizement to the high cause of human liberty."

Stevens denounced as odious the Fugitive Slave Law of 1793, which, he said, should be repealed. He would have the remedy for fleeing slaves left where the Constitution left it, without any legislation whatever. He adduced harsh and abusive court judgments under the Act of 1793, whereby worthy citizens of Pennsylvania had been heavily fined "for no greater offense than giving a cup of water and a crust of bread to a famishing man whom they knew to be fleeing from bondage." The new law now proposed, in 1850, doubled these penalties and, what was more obnoxious, it recognized slavery in the territories. He denounced in unsparing terms these new provisions for the recovery of escaping slaves. A black man might prove that he was born free and had resided in a Free State all his life, but he would not be permitted to do it; the conclusive evidence in the case was to be the record or affidavit, made up, it might be, a thousand miles from the party whose safety was involved in it. His "learned judges, these tide waiters and country postmasters, who make no pretensions to legal learning,—are compelled not to judge, but to decide without judging, that the affidavit of a distant soul-dealer is evidence of slavery which can not be gainsaid. Behold what a court and jury are to pass on human liberty! An overseer, with a power of attorney; the affidavit of a professional slave-trader; an itinerant postmaster from Virginia signing judgment in a bar-room; the defendant a handcuffed negro, without counsel, witness, or judge! Verily a second Daniel has come to judgment!

"The distinguished Senator from Kentucky (Mr.

Clay) wishes further to make it the duty of all bystanders to aid in the capture of fugitives; to join the chase and run down the party. This is asking more than my constituents will ever grant. They will strictly abide by the Constitution. The slaveholder may pursue his slave among them with his own foreign myrmidons, unmolested, except by their frowning scorn. But no law that tyranny can pass will ever induce them to join the hue and cry after the trembling wretch who has escaped from unjust bondage. Their fair land shall never become the hunting-ground on which the bloodhounds of slavery shall course their prey and command them to join the hunt."

Stevens said that he was aware of the temerity of his remarks, of how little effect they would have, coming from "so obscure a quarter." He believed the "compromise" bill was winning favor with the people, most of whom had never read it, because it was advocated by great names in whom they were accustomed to confide. These great overshadowing names have a fictitious force given to their views and are leading captive the public mind, and the people are not left free to decide these questions on their intrinsic merits. Thus it is that the errors of the great are fatal, while the errors of the small may do but little harm. "The errors of obscure men die with them and cast no shame on their posterity. How different with the great!

"In this crisis of the fate of liberty, if any of the renowned men of this nation should betray her cause, it were better that they had been unknown to fame. It need not be hoped that the brightness of their past glory will dazzle the eyes of posterity, or illumine the

pages of impartial history. A few of its rays may still linger on a fading sky; but they will soon be overwhelmed in the blackness of darkness. For, unless progressive civilization and the increasing love of freedom throughout the Christian and civilized world are fallacious, the *Sun of Liberty*, of *universal* liberty, is already above the horizon, and fast coursing to his meridian splendor, when no apologist of slavery can look upon his face and live.”¹

These speeches show Stevens’ deep-seated and intense hatred of slavery. His attitude was uncompromising, his speech unsparing. His policy was to bring not peace but the sword. For the spirit of strife and turbulence that existed he believed that slavery and its defenders were responsible, and that the extension of slavery, which the Southern leaders announced themselves to be ready to stand for at the hazard of disunion, should be firmly resisted with the same spirit of hazard; and he was firmly of the conviction that slave extension could not be prevented by the soft words that turneth away wrath. He had no desire to maintain peace with slavery. Slavery extension and the national welfare were at war, and if the slave system asserted its right to the national domain, Stevens would prosecute war against that claim with all the force he could command. He would let the Northern doughfaces prate about “the dove-like

¹ *Globe*, June 10, 1850, Append., pp. 765-769. Stevens appended a foot-note to this speech, in which he criticized the Reverend Moses Stuart, professor in the Andover Theological Seminary, for his defense of the “*blessings and comforts*” of slavery, in a work that “contains,” as Stevens said, “a very glowing eulogy on the Honorable Daniel Webster and rather a faint one on the Bible.”

messengers that will bring peace, happiness and prosperity to our devoted and glorious confederacy." As for himself he would not yield to the pro-slavery demands in the vain hope of thereby securing peace. Although the great leaders of his Whig party, Clay and Webster, sought peace at the expense of allaying all opposition to slavery, he would not follow them.

It was Clay, especially, who undertook, as his custom was, the office of the peacemaker. The primary object of Clay's political career was to promote and preserve the American Union. He did not share Stevens' convictions and feelings about the evils of slavery. He had a keener appreciation of the danger to the Union, and to him the first duty of the hour was to remove that danger. Clay, perhaps, knew better than Stevens the purpose and temper of the pro-slavery leaders, and therefore he was ready to make concessions for the sake of peace and conciliation. In his "compromises" he proposed a series of measures covering the whole field in dispute,—the admission of California as a Free State; a more effective fugitive slave law; the abolition of the slave trade, though not of slavery, in the District of Columbia; the organization of territorial governments in New Mexico and Utah without the Wilmot Proviso; immunity for the interstate slave trade; and a payment to Texas of \$10,000,000 for her claim to New Mexico. This combination of measures made concessions to both sides; it also aroused opposition from both sides. As a combination in what was called the "omnibus bill" the measures were defeated, but separated into five distinct bills they went through Congress one by one. Stevens

voted to the last against organizing the territories without the Wilmot Proviso and against the new fugitive slave law. The compromisers joined with the anti-slavery men to pass the anti-slavery features of Clay's proposals, and they joined the pro-slavery men to pass the pro-slavery features, and thus, all five of Clay's measures were passed and the "five gaping wounds" from which the country was suffering were healed for a time.

Stevens was reelected to Congress in 1850. Again, when the House was being organized in the Thirty-second Congress, he received support for the speakership, among the sixteen voting for him being Joshua R. Giddings and Horace Mann. The compromise measures were looked upon as being a "finality"; there was to be no more legislation or agitation on the subject of slavery. There was a cessation of hostilities on that subject during most of the Thirty-second Congress, and Stevens had but little occasion to speak on the vexed question.

On June 11, 1852, he made an extended speech on the "Public Lands and the Tariff,"—chiefly on the tariff. Stevens was a consistent and constant protectionist, a true Pennsylvanian in this regard, and his speech set forth, with his decisive effectiveness, the usual protectionist arguments. He asserted that the doctrine of free trade had never been reduced to practise except among barbarian tribes; that every highly cultivated nation has made the protection of domestic industry the special care of government; that twenty centuries of history had shown this to be the

wise policy of nations,—the protection of domestic industries by discriminating duties.

Stevens illustrated his protective contention by examples in history,—of Tyre, Holland, and Great Britain. England, when Holland had an immense start in capital and skill, could not afford to apply the free trade doctrine. That doctrine would have exactly suited Holland; that would have left her forever without a rival. For the nation which is far above all others in knowledge and means, that system which will keep other nations from starting at all is the true one. Just so surely it is the wrong one for those who are behind. “The statesmen of England were deluded by no such folly as free trade. They excluded the manufactures of other nations and gave the home market *exclusively* to their own artisans, so as to induce them to invest their time, capital and talents in the creation of domestic fabrics. She admitted free the raw material which she could not produce, prohibited the importation of many articles, and laid heavy discriminating duties on others.” He cited the highly protective features of the English Navigation Acts. Her manufactures and commercial marine have increased until she has become “the most manufacturing, commercial, rich, and powerful nation the world ever saw.” This position she acquired through protection,—and now she is preaching free trade to young nations!

Stevens denied that the protective tariff was for the benefit of the rich. It was mainly for the benefit of the laborer. It helped capital because it helped labor,

as it was impossible to benefit one without the other. Labor is the chief factor in the manufactured product; therefore to labor comes the chief benefit of protection.

No class receives greater benefit from the policy of protection than the farmers. The farmer's wealth is in his surplus products, whose value depends upon a ready, handy, constant market. The nearer to his farm you bring that market, the better for him. If his products are sold in a foreign market he must deduct from his profits the cost of freight. To create that market at home it is necessary to build up manufacturing villages, towns and cities in your own land. Your consumers are now three thousand miles distant. We should build flourishing cities,—Birminghams, Sheffields and Glasgows,—within our own borders, on the Great Lakes and on the waters that feed the Mississippi. If the whole West were to be given up to agriculture, and its produce were to go to the Atlantic cities for a market, the effect would be to depress and destroy the farming interests of the Middle and Eastern States, and reduce real estate to half its value.

Stevens charged upon the Democratic party that under its lead and administration, British interests were being protected to the detriment of American interests. He asserted that the Walker tariff of 1846 was a British tariff; that during its progress there was a British agent here, with rooms assigned at the capital, to watch over its progress and facilitate its advent; and now, Her Majesty has in this country vigilant friends guarding its safety. Under the operation of this British tariff the iron masters of the United States are not only doing a losing business, but utter and

inevitable ruin stares them in the face without speedy relief from Congress.

There are two ways, his argument continued, by which our manufacturers may compete with those of Europe. The one is to lay a duty on foreign importations equal to the difference between the cost of producing the article in Europe and the cost of producing it here. The other is to reduce the price of labor in America to the average price of labor in Europe. The Whig policy was to impose a duty equal to the difference in the cost of labor in the two countries. The Democratic policy was to reduce the price paid to the laborer. He described the poor fare and the mean living of the laborer abroad where women in collieries were harnessed to cars to draw their heavy loads. There, the laborers can only grow up in ignorance, and remain hewers of wood and drawers of water. Those who wish to degrade labor will pursue this Democratic policy; for his part, he preferred the protective policy which gives to laborers the dignity and feelings of independent freemen. England's repeal of her corn laws only gave additional protection to her manufacturers, as it enabled them to feed their laboring population cheaper, and thus they could reduce the price of her goods. He urged the West to stand for protection, make her own goods, build up a market for agricultural products close at hand and become independent of New England and Pennsylvania.

It will be seen that these familiar arguments, which Stevens set forth with so much force, had an application to the tariff controversy in the generation that followed, as well as in that which preceded, the

time in which Stevens spoke. It may be doubted whether any of the advocates of protection ever presented the cause with greater clearness and force.

Later in the session, on August 12, 1852, while the House was in the committee of the whole on the state of the Union considering an army appropriation bill, — and while the members were taking advantage of the opportunity to discuss in a very general way, with wide latitude, party platforms, presidential candidates and political issues, — Stevens made a speech on the “Presidential Question.”

He discussed the relation of the Whig party to slavery, and in doing so, he could not restrain himself from making his usual vigorous assaults upon the “peculiar institution” and its promoters. He defined Whig principles as consisting of obedience to the Constitution and the laws, a protective tariff, an equal participation in the public lands, river and harbor improvements, a sound currency, and a well regulated commerce. In all other things, Stevens said, Whigs were permitted to differ without forfeiting allegiance to their party. Being a national party, Whigs were permitted to differ upon slavery. That question was not incorporated into any party creed. Emancipationists and slaveholders were in both parties. On that subject opinion in the North was by no means uniform. Some “who were naturally inclined to domination sincerely believed that a portion of the human race were created for no other purpose than to be the servants of others; that a part of mortal clay was of finer texture and nobler mold than the rest. This class was more numerous in large commercial cities where

men are more mercenary, and where princely fortunes beget kingly appetites." To avoid making this a party issue, which "could lead to nothing but mere sectional strife has been the honest, sincere and constant aim of all that portion of the Whig party that favored freedom." Whether this effort succeeds depends on the ensuing election. Slavery, being local, was not suffered to disturb national parties, for it was impossible to incorporate into a uniform creed for any party what three-fourths of the people abhorred and one-fourth loved. But now that slavery has grown stronger and its advocates have determined to extend its boundaries and change the whole current of public thought and action in regard to it, it may turn out that a combined South, with a modicum of Northern parasites, may be sufficient to bend the proudest ambition and sternest will of our statesmen. It has been tried in more than one campaign for the presidency, and it is to be seen whether the national will can be bent to their ends. That was the reason for the furor and clamor raised in this hall three years ago,—as if the republic were in flame. It was all factitious and unreal. Not for a moment was the Union in danger. The object of all the disgraceful turmoil and false clamor, of all the national disturbance, was to compel both parties to put into their party creeds a defense and propagation of slavery.

Southern gentlemen are announcing that the subject of slavery is to be paramount to all others; all questions of commerce, agriculture, manufactures, are to be rejected and slavery is to become the idol of our political adoration.

The Whig resolutions of '52 did not, in Stevens' opinion, contain very good Whig doctrine. They are very faint on internal improvements, and they entirely fritter away and reduce to the standard of Loco Foco folly the question of a protective tariff, reducing it to a mere incidental, or accidental, protection, depending entirely upon the accident of the amount of revenue required. The compromise resolutions are creatures of modern birth, not the legitimate children of Whiggery.

Stevens arraigned Toombs, a Southern Whig, for abandoning all the ancient Whig doctrines — a protective tariff, river and harbor improvements, and an equal participation in the public domain,— and for mounting the Democratic platform merely because it is ultra for the protection of slavery. For that purpose Toombs was preferring Pierce to Scott, as slavery would be safer in Pierce's hands. As to Pierce, no word or act of his life, as he had said of himself, was ever in conflict with the pro-slavery Democratic platform of '52. If ever he "fell into the path of rectitude on slavery, it was momentary and accidental for which he was not to be held responsible, for all his votes and acts proclaim him the champion of slavery."

Pro-slavery Whigs were objecting to Scott because he had not declared that he would interpose his executive veto to prevent the repeal of certain laws that were held to be *final* and *irrepealable*. They demanded that he declare his intention of using the whole power and patronage of his office to prevent discussion on the subject of slavery. Stevens denounced this attitude as a demand for "unmitigated tyranny." He denounced the attempt to enforce the doctrine of finality

“as arbitrary and despotic.” It was in harmony with efforts lately made to paralyze the free action of Congress and to overawe and intimidate public opinion. “Whenever any executive or any statesman shall command the people not to think, or to utter their thoughts, and it does not cost him his political life, I shall tremble for the liberties of the nation. Whenever a political party attempts it, it deserves to die. Whoever attempts to enforce such principles is a detestable tyrant. Sir, this atrocious attempt must fail in this country.” Thus he announced his disapproval of the fashionable doctrine of the hour, the doctrine of “finality,” in reference to the compromises of 1850.

Because General Scott had said, in a letter of 1843, that he believed it to be the duty of slaveholding states to abolish slavery, voluntarily and gradually, for this, said Stevens, “he is opposed by the bigots of slavery. I thank God that he has such a cause of opposition.”

Stevens charged upon the Southern slaveholders that they were forcing a sectional issue upon the country. If for these reasons Scott should be defeated, how could they expect to avoid the sectional issue in the coming elections? “Do you believe that the North, tame as she is, when so often trod upon will never turn? And if the issue shall be made, the result can not be doubtful.”

He warned the South of the dangers of attempting a separate confederacy. They would be in constant collisions with surrounding nations; no state would extradite their fugitives from slavery; the sympathies of the world would be against them; the dangers of San Domingo confronted them; and some modern

Sparticus might arise and inflict some terrible retribution upon his former masters. "May the sound sense and true patriotism of the American people arrest the headlong career of reckless men!"

With March 4, 1853, Stevens' second term in Congress came to an end. He retired with the expectation of never again holding office.¹

In the last days of the Thirty-second Congress, on March 3, 1853, while a naval appropriation bill was pending, Stevens protested against the measure, charging that it carried money for corrupt purposes. It was not the time nor the hour, he said, "in the expiring moments of Congress, in the confusion and noise, and surrounded by outside pressure, to vote away your millions," and he expressed his determination to vote against the bill.

In the fall of 1851, during the recess of Congress, Stevens was engaged for the defense of Castner Hanway in the celebrated Gorsuch case, a case arising in Lancaster County, Pennsylvania, under the operation of the Fugitive Slave Act of 1850, an act that was odious to Stevens and which he had given his best endeavors to defeat. Now, after the lapse of but a few months, he found opportunity to defend a fellow-citizen of his home county who had refused to help execute that act. Gorsuch and his son, citizens of Maryland, came to Lancaster County in search of two fugitive slaves who had escaped three years before.

¹ In a personal explanation made in the last hours of the session, while disclaiming any intention of disparaging the personal conduct of a colleague, Stevens said: "It is more than probable that hereafter I shall never meet any member here or elsewhere officially, and I desire to part with no unfriendly feeling toward any of them." *Globe*, March 3, 1853, p. 1164.

They secured from the United States Commissioner in Philadelphia the proper warrants for the arrest of the fugitives, and, with the United States Deputy Marshal, proceeded to break into the houses where the negroes, with some of their colored supporters, were concealed. The fugitives said they would die rather than return to slavery, and that if one of them were taken it would be only over the dead bodies of the others. Barricaded in the upper part of the house, the fugitives refused to surrender upon the demand of the officer. Instead, a horn was sounded as a signal to other negroes in the neighborhood to come to the assistance of their friends. The result was that in a very short time a band of from fifty to one hundred negroes had gathered, armed with guns, clubs, axes, and corn-cutters, and it became obvious that it would be a dangerous proceeding for the slave-catchers to insist upon an arrest. Castner Hanway, a Quaker from the neighborhood, and another white man appeared upon the scene, and the officer summoned these men to assist in the arrest. They indignantly refused to do so, and Hanway said that "the negroes had a right to defend themselves." Hanway warned Gorsuch that it would be madness to insist upon the arrest, saying, "The sooner you leave the better, if you would prevent bloodshed." An angry parley followed, resulting in a fight. Gorsuch was killed, his son was severely wounded, while the others of the capturing party made off as best they could.¹

This affair caused much excitement throughout the

¹ Rhodes, *Hist. of the U. S.*, Vol. I, pp. 222-223. Harris, *The Political Conflict in America*, pp. 146-150.

country. In the South, there was exasperation, and the affair was cited as an illustration of the Northern anti-slavery resistance to the Fugitive Slave Act that might be expected. In Pennsylvania, some excused the negro rioters on the plea that a man, guilty of no crime, had a right to defend his liberty, while others demanded that the "outraged laws of the commonwealth should be vindicated." Hanway was indicted and tried for treason. The trial lasted for fifteen days and from the point of view of the public interest aroused, it was one of the most notable cases in that decade. Stevens was the brain of the defense in this trial, yet for prudential reasons, because of Stevens' well-known anti-slavery sentiments, John M. Read, a very able lawyer and afterward the Chief Justice of the State, became the manager for the defense. Justice Grier, the presiding judge in the United States Court, instructed the jury that the transaction did not rise to the dignity of treason or of levying war, and that there was no evidence of previous conspiracy to resist the law. Within ten minutes after the case went to the jury a verdict of "not guilty" was returned.

There was a respectable body of public opinion in the North opposed to the enforcement of the Fugitive Slave Law, and while the majority would not advise forcible resistance to the act, the Gorsuch case, with others, illustrated the great difficulty of securing its peaceful and successful operation. Stevens was ever ready to use his talents and legal ability to prevent escaping slaves and, above all, any free negroes, from becoming the victims of the act.

CHAPTER VII

ON THE EVE OF WAR

AT the expiration of the Thirty-second Congress in March, 1853, Stevens returned to his law practise in Lancaster. His practise extended not only to his own but also to adjacent counties, and he was regarded by his contemporaries, who were the most competent to judge, as "the most accomplished all round lawyer in the state."

At the opening of the Supreme Court in Pennsylvania, in 1853, Stevens gave an admirable expression of appreciation of a worthy judiciary. The occasion was his formal announcement to the court, "in brief and exquisite terms," as Judge Woodward afterward said, of the death of Chief Justice John B. Gibson. Gibson was for years the Nestor of the Pennsylvania bench and one of the great legal luminaries of his time. Stevens spoke of the ability, learning and impartiality of this noble justice, who in 1838, in times of the highest and bitterest party excitement, was re-appointed as Chief Justice of his State by Governor Ritner. To make the appointment the Governor had to subordinate his personal and party feelings, and Stevens, partisan through and through, had been the head and front of the Governor's party. But Stevens had readily recognized the supreme propriety of this appointment. "It taugt in significant language,"

said Stevens in announcing the death of Gibson, "that however proper it may be to fill the gubernatorial chair and other executive offices with politicians, none but able, learned and upright jurists are fit to be indued with judicial robes. It was an example which will be creditable and useful to the people and their rulers whenever they shall occupy a like elevated position. Those who believe, as all should believe, that the judiciary is the most important department of the government, and that great, wise and pure judges are the chief bulwark and protection of the lives, liberty, and rights of the people, will deeply and sincerely regret the loss of Judge Gibson."¹

In this period of his retirement from public life Stevens' anti-slavery zeal was not abated. He was ready to help on in the agitation against the dominance of the country by the slave power. Oliver Johnson, a Peacham boy who knew Stevens' people in Vermont, the coadjutor and biographer of Garrison, wrote to him from the anti-slavery office in New York to invite him to give an anti-slavery lecture in that city in a course opened by Charles Sumner and followed by Joshua R. Giddings, Cassius M. Clay, Henry Ward Beecher, Horace Greeley and R. W. Emerson. He was in distinguished and honorable company, and for his address he was to receive twenty-five dollars and his expenses. Evidently, the anti-slavery cause of those days was promoted without much money reward or the hope of it.

¹ Harris' *Pennsylvania State Reports*, Vol. XIX, p. 10. An interesting portrait of Gibson in a group of Pennsylvania justices of 1852 may be seen in the Cornell University Law Library.

The tendency of the Whig party to compromise with slavery had been displeasing to Stevens, and he left public life, after the defeat of Scott, with but little disposition to take part in politics. But the repeal of the Missouri Compromise by the Kansas-Nebraska Act of 1854, bringing the threat of the extension of slavery to new regions in the West, aroused Stevens, as it did Lincoln and other anti-slavery Whigs in the North, to renewed interest and activity in the political struggles of the time.

The movement for a new party, committed to the policy of resisting the further spread of slavery while holding in abeyance all previous political differences, was more progressive in the West than in the East. This new Republican party was getting well under way in Wisconsin, Michigan, Illinois and Indiana in the summer and fall of 1854. It was made up of the more pronounced anti-slavery Whigs, the Anti-Nebraska Democrats, and the former Free-soilers who had already severed their party ties in order to resist the extension of slavery. But even in 1855 the more conservative spirits in the East were still holding back. A mass meeting was held in Lancaster in 1855 for the purpose of organizing the new Republican party in that county. The movement received but little encouragement, Old-Line Whiggery and Know-Nothingism being the controlling factors in political circles that were not Democratic. Fewer than twenty persons attended this initial meeting,¹ but Stevens was one of these. The party was organized, and the next year Stevens was chosen as a delegate to the first Republican

¹ McCall, pp. 93-94.

National Convention, which met at Philadelphia, June 17, 1856. In that convention he earnestly supported Justice McLean in preference to General Fremont as a candidate for the presidency, thus showing his political sense and acumen. He did not anticipate success in the election even with McLean, but with any one else he thought it impossible. Of his impassioned appeal to his fellow-delegates from Pennsylvania, E. B. Washburne said that he had "never heard a man speak with more feeling or in more persuasive accents."¹ As a member of this new party, pledged to a positive and aggressive stand against slavery extension, Stevens reentered politics, and was again elected to the House of Representatives in 1858.

Now at the age of sixty-eight, an age when most men are content to retire from the active and onerous burdens of life, Stevens was just entering upon the great work of his life. He was just coming to be an active participant in a Congress that was destined to confront the greatest issues that were ever presented to the American people, the issues of secession, disunion, and civil war. Here was a man who was destined more than any other single man to bear the brunt of legislative burdens for the next ten years, and that, too, in an era of great change and revolution, and of the fiercest combat, in which men put forth their greatest efforts to carry their ends. Was he conscious of the paralysis of age or the impairment of his energies, calculated to disqualify him for the turbulent and boisterous arena of public life in which he was to play so important a part? Speaking at this

¹ Rhodes II, p. 183.

time upon the death of John Schwarts, an aged colleague from Pennsylvania, he said, "It were perhaps more graceful for those who are conscious that age or infirmity has impaired their mental or physical powers, who find by repeated trials that they can no longer bend the bow of Ulysses, to retire, and lay down the discus which they have not the strength to hurl." ¹ There were but few in the House who could appreciate with Stevens the full force of this suggestion. But events were not far distant that were to give him occasion to prove that his vision was undimmed and his natural force unabated.

It is not likely that a man at such an age, when rest and peace are a man's chiefest desire, would care to endure such strife and labor as were destined to fall to the lot of Stevens unless he were nerved to it by sincere purposes and convictions, and by the desire to serve what he considered a great and noble cause.

When Stevens came to Washington to take his seat in the House in December, 1859, he encountered a situation very similar to that which he had faced ten years before. Again the House was unable to organize and elect a Speaker and for eight weeks there were strife, wrangling, and heated controversy. The party situation was even more complicated than that of ten years before and the party and sectional antagonism was more bitter. There were four parties in the House. First, there were Republicans, with a plurality of the members, about one hundred and nine in all, with a few others of Republican leanings. Second in numbers, came the Democrats, whose leaders and the

¹ June 21, 1860, *Globe*, p. 3223.

bulk of whose House members were mostly from the South, mustering altogether about ninety votes. Third, the "South Americans," or the "Southern Opposition," made up the next group. These were former "Know-Nothings" and Whigs who were opposed to the Buchanan administration. There were from twenty-three to twenty-six of these. Lastly, there were the Anti-Lecompton Democrats from the North,—ten or twelve men who were followers of Douglas in opposing the Buchanan administration in its policy of forcing the Lecompton pro-slavery constitution on Kansas. These refused to be bound by the caucus action of the Democratic party. They may properly be called Democratic "insurgents" of the time. Prominent among these were Hickman, of Pennsylvania, and Horace F. Clark, of New York, who, like most of their Anti-Lecompton colleagues, had been elected by the aid of Republican votes. The great body of the Douglas Democrats in the North and West like George H. Pendleton and Samuel S. Cox, of Ohio, John A. McClernand, of Illinois, and Niblack and Holman, of Indiana, supported the caucus nominee of the Democratic party.

On the first day of the session, Mr. Bocock, of Virginia, was put forward as the Democratic nominee for Speaker. Mr. Corwin, of Ohio, nominated John Sherman, of that state, while Thaddeus Stevens named Galusha A. Crow, of Pennsylvania. Thus, at first, two Republican candidates were put forward, while the minor parties also had their candidates. The ballot showed no choice, whereupon Mr. Clark, of Missouri, offered a resolution to the effect that, whereas

certain members of the House now in nomination for the speakership had endorsed a certain book called *The Impending Crisis of the South* by one Hinton R. Helper, whose "doctrines are insurrectionary and hostile to the domestic peace and tranquillity of the country," therefore resolved that no member who had endorsed this book was "fit to be Speaker of the House."

On the following day, Clark read the circular letter recommending Helper's book, with the names of more than sixty Republicans who had signed the letter, among them being Sherman and Crow, the Republican candidates for Speaker. He inserted in the record, also, long extracts from the objectionable book, containing what he regarded as revolutionary appeals to Southern non-slaveholders, and setting forth a program for them to follow. This program, as announced by Helper, recommended independent political action; no more voting for slaveholders; no fellowship with them in politics, religion, or society; no patronage to pro-slavery merchants, lawyers, physicians, hotels, or newspapers; in short, a union of non-slaveholders in a determined class war to the bitter end on the slaveholders and their system. In a speech of considerable length Clark sought to show that the election to the speakership of a man who had recommended such a book would be but the precursor of disunion. If such sentiments were to be endorsed and the endorser elevated to power, how, he asked, could man hope to see the Union continue?

Mr. Gilmer, of North Carolina, a former Whig, now a "South American," moved a substitute for the Clark

resolution. This recited the facts that a great compromise had been brought about in 1850; that leading members of Congress had recommended this compromise as a "finality" and that no one should be voted for for President, Vice-President, Senator, Representative or state officer, who would seek to unsettle that agreement; that both political parties had endorsed that compromise; and therefore let it be resolved, that "fully endorsing these national sentiments, it is the duty of every good citizen of this Union to resist all attempts at renewing in Congress or out of it the slavery agitation, under whatever shape or color the attempt may be made."

Later, Gilmer modified this so as to assert that no member should be elected Speaker whose political opinions were not known to conform to these sentiments.

In the guise of these resolutions offered by "moderate" men from Slave States, men who professed greatly to deplore "sectionalism" and "ultraism," the negro was thrust into the deliberations of the Thirty-sixth Congress in the very first days of its session. For eight weeks, while the House was unable to elect a Speaker, Congress became an arena for controversy and debate about slavery, abolitionism, and disunion. The speaking was indulged in chiefly by the Southern Democrats who sought to arouse sentiment against the "slavery agitation" of the Republican party, and who were anxious to unite all parties in opposition to prevent the election of a Republican Speaker. On the first day of the session, before the flow of oratory began, Stevens raised the point of order that there were

but two things in order,— namely, to ballot for Speaker or to adjourn. But recent events, including John Brown's raid and the publication of Helper's book, and the tense political situation of the country, made it impossible to restrain members from entering upon a heated party debate. Helper, John Brown, Seward's "irrepressible conflict" speech, were all made the texts of many speeches, delivered for the purpose of excoriating the "Black Republicans" and showing how nothing but disaster and disunion could come from elevating a representative of that party to the speakership, especially if he be a "Black Republican" who had endorsed the infamous Helper. The Southerners wished a vote directly condemning as unfit for Speaker any member who had endorsed "incendiary sentiments calculated to stir up servile insurrection." They did not fancy Gilmer's substitute, which was calculated to divert the House from that expression. Millson, of Virginia, speaking for the offended honor and interests of the South, assumed that the Republicans should be coming forward with apologies and disclaimers on account of Helper and the John Brown raid. He spoke with much heat, saying that the publication and distribution of inflammatory and seditious writings, tending to incite the negro population of the Southern States to insurrection, involved very grave responsibilities, and that "one who had consciously, deliberately, and of purpose, lent his name and influence to the propagation of such writings is not only not fit to be Speaker but is not fit to live." ¹

Mr. Sherman who had signed the Helper circular,

¹ *Globe*, Dec. 6, 1859, p. 21.

and who was now made the target of these impassioned attacks, asserted that he had not read Helper's book; and having been called upon as "the abolition candidate for Speaker" to say whether he was opposed to any interference with the subject of slavery, inside or outside of Congress, Sherman asserted that he was "opposed to any interference whatever by the people of the Free States with the relations of master and slave in the Slave States." Other Republicans disavowed and condemned anything like an attempt on the part of the North to interfere with the relation between master and slave in the Slave States, or any effort to stir up insurrection and bloodshed in the South.

But the public mind of the South was excited and restless and many Southern members believed that the North was in sympathy with, if not responsible for, John Brown's raid, and that the new Republican party had entered upon an "irrepressible conflict" to extirpate slavery in the South, peaceably, if they could, but forcibly, if they must.

These disclaimers, therefore, did not pacify Southern members. Keitt, of South Carolina, lashing the Republicans and charging upon them again responsibility for Helper and Brown, said that the South asked nothing but its rights, "but as God is my judge, I would shatter this republic from turret to foundation stone before I would take one tittle less,"—at which sally there was enthusiastic applause in the gallery.

After Keitt's fiery speech, Stevens rose to urge his point of order that the House should either vote for Speaker or adjourn; but before taking his seat, he begged to say that he did not blame the gentlemen

from the South for the language of intimidation, for using "this threat of rending God's creation from the turret to the foundation. [Laughter.] All this is right in them, for they have tried it fifty times and fifty times they have found weak and recreant tremblers in the North who have been affected by it and who have acted from those intimidations. [Applause.] They are right, and I give them credit for repeating with grave countenances that which they have so often found to be effective when operating upon timid men."

This was very provoking, but instead of leading to a vote and allaying the disposition to speak, it tended further to arouse Southern ire and threatening speech, as it was, perhaps, intended to do. Crawford, from Georgia, demanded to know whether the Black Republican party intended to try to deceive the South by pretended friendship and by Union meetings in the North, and then, when apprehension was removed, to renew their warfare on slavery. If the Northern people were for abolition of slavery, the South wanted no flinching, no lowering of the flag for the sake of policy; if they would but sail under their true colors, it might be seen whether the South were in earnest or not. "All we want is a square and manly avowal of your sentiments that our people may not be deceived. Do this and my life upon it, you will see no cowardly shrinking upon our part from the maintenance of every constitutional right to which our people are entitled."

"That is right," said Stevens, "that is the way they frightened us before. Now you see exactly what it is, and what it has always been."

During this colloquy, members from the benches

crowded into the area, the Clerk could not maintain order, and there was for a time, great confusion and excitement in the hall. When order was restored, Stevens remarked, "This was but a momentary breeze, sir, nothing else," and insisting that no business be considered till the House was organized, he moved to adjourn.¹

Of this incident, Morris, of Illinois, a Douglas Democrat, said the next day in the House, "A few more such scenes and we will hear the crack of the revolver and see the gleam of the brandished blade." He appealed for a more conservative tone and temper. But Lucius Q. C. Lamar, of Mississippi, later one of the most honored of Southern leaders, followed Morris in a fiery and reckless speech. He referred to the speech in which Millson had said that an endorser of Helper "was not fit to live" as an "able and solemn appeal," and he arraigned the Republicans for their "contemptuous silence," their "guffaws, and their uncourteous and indecent laughter." He charged that the Republicans were not "guiltless of the blood of John Brown and his co-conspirators and the innocent men, the victims of his ruthless vengeance," since Brown "had but crystallized the Republican idea into action." He charged Senator Seward with responsibility for the Brown raid, "the object of which was to place the South, a bleeding mangled victim, at the foot of Northern power." He asserted that the "fathers had put the negro into the Constitution as an institution of property, of society, and of government," and when that Constitution is violated "I war upon your gov-

¹ Dec. 6, 1859, *Globe*.

ernment; I am against it. I raise the banner of secession, and I will fight under it as long as the blood flows and ebbs in my veins.”¹

In this speech, Lamar referred to Stevens as follows: “I almost tremble for the South when I recollect that the opposing forces will be led by the distinguished hero of the Buckshot War. [Great laughter.] However gloomy the catastrophe, his saltatory accomplishments will enable him to leap out of any difficulties in which he may be involved. I understand that he gave in a conspicuous way a practical illustration of peaceable secession.” This refers to Stevens’ escape by leaping through a state-house window at Harrisburg during the Buckshot War. The day was soon to come when Stevens’ leadership was not a matter for joke and satire to the South,—in the eventful years following the appeal to arms.

Two days later, Tom Corwin, of Ohio, applied his wit and humor in a way calculated to bring Southern wrath into ridicule by saying that if the Union can be rent that way from turret to foundation, because a man from North Carolina had written a book advising a boycott which some members had carelessly endorsed, “because one man advised another not to eat his dinner at a particular tavern,—if it can be done that way, we had better go to work and pull it down ourselves and go home.”²

On one of the many ballots for Speaker, some of the Republicans, Stevens among them, voted for Gilmer, the “South American” from North Carolina,

¹*Globe*, Dec. 7, 1859, pp. 44-45.

²*Globe*, Dec. 8, 1859.

who on that ballot received thirty-six votes. If the Democrats had then transferred their votes to him, Gilmer could have been elected. Gilmer was an Old-Line Whig which some one defined as a "fossil Whig varnished over with Americanism." His Republican votes, however, *tainted* his candidacy; Southern Democrats refused pointblank to accept him because Republicans had voted for him, although Gilmer was recognized as a "national" man and was reputed to be the largest slaveholder in Congress.

While strenuous efforts were being made to combine all the opposition to the Republicans upon Gilmer, Stevens excited some amusement by saying that in order to avoid misapprehension *he* would not vote for Mr. Gilmer any more, which may have been interpreted as an intimation that he would not have voted for him before if he had thought that there was any danger of his election. Later, Stevens solemnly rose to explain why, "departing from the general rule of obeying party decrees," he had voted for Gilmer. "This," he said solemnly, "requires some explanation as I see from a paper I send to the Clerk's desk to be read." "The paper is printed in German," said the Clerk, amid laughter, "and the Clerk can not read it." "Then," said Stevens, provoking more laughter, "I postpone my remarks, till the Clerk can read it."

So Stevens has very provokingly left posterity in doubt as to his motives in voting for a "South American." Most likely it was because he was convinced of the impossibility of Gilmer's election, though it is not impossible that it was because, since Gilmer had been an Old-Line Whig, it was known that he was

sound on the tariff question. The iron interests of Pennsylvania and the other protected industries of that state, were as dear to the hearts of the Pennsylvania Republican delegation as was the anti-slavery cause, as their conduct in this speakership contest goes to show.¹

With the Republicans the Southern Democrats would hold no terms, no parley. They might seek a combination with the Americans but before a man identified with the doctrines of the Helper book should be Speaker, they "would hold the House up till it expired, or till the people should rise in their wrath and hurl these Black Republicans from the seats of power."² Clark, of Missouri, asserted that there should be no vote to elect by a plurality until the House had expressed its opinion by a direct vote as to whether an endorser of Helper was fit to be Speaker,—and he again denounced Helper's pamphlet as recommending "civil war, bloodshed, rapine, and every crime disgraceful to our species against the Southern people; whose property is sought to be taken and their firesides invaded"—sentiments "tending to ostracize and put in jeopardy the lives, liberty and safety of half of my constituents."³ Avery, of Tennessee, expressed the hope that nothing would be done to aid any one to shrink from the responsibility of a direct vote upon the Clark resolution, or to divert in any way "the

¹ See the withdrawal of votes by Morris, of Pennsylvania, and others from N. H. Smith, of North Carolina, after Smith had enough votes to elect and before the vote was announced, because acceptable pledges could not be obtained from Smith as to the composition of the Ways and Means Committee of the House.

² Garnett, of Virginia, Jan. 7, 1860, *Globe*, p. 370.

³ *Globe*, Jan. 7, 1860.

just lightning that was about to fall upon the guilty heads of those who signed the Helper book."

It was in the midst of such perfervid speeches¹ that Mr. Anderson, of Missouri, claiming independence of all parties, made a "patriotic appeal" to members of all the parties in opposition to the Republicans to get together and organize the House. The members of the Democratic party, the American party, and the Anti-Lecompton party, he said, should meet together, appoint a committee of three from each, and see if they could not agree upon some man upon whom they might unite as the only possible means of defeating the Republicans.

Stevens expressed appreciation of the compromising proposal of the eloquent gentleman from Missouri. He, too, was anxious to do everything possible to organize the House. Stevens regretted that the gentlemen's sweet-tempered proposition did not extend to *his* side of the House. "The gentleman," he said, "has realized what I thought was a myth before; that is, he has proposed — and I hope they may have a good time of it — he has proposed that happy family described in the *Prairie*, where the prairie wolf, the owl and the rattlesnake live in one hole. [Great laughter.] When they get together in this hole to-night I trust that there will be no biting." To show his own earnest desire to organize, he moved an immediate *vive voce* vote for Speaker, which was objected to on the Democratic side. Most of the Southern speakers denounced the Republican party and its doctrines as a menace to the Union. John H. Reagan, of Texas, in

¹ January 3, 1860.

a notable speech denounced these doctrines as "revolutionary in character, destructive of the foundations of the Republic, calculated to promote sectional hostilities and to subvert the Constitution." He charged that the Republicans addressed themselves to sectional interests and sectional motives, appealing to reckless fanatics and urging aggression upon the rights of the South. He attempted to identify the Republicans with the extreme abolitionists like Garrison and Phillips who had denounced the Constitution as "a league with hell and a covenant with death." "That party has endorsed a book," said Reagan, "as vile, as incendiary, as calumnious, as slanderous, as anything that ever came from Phillips or Garrison. One portion of these agitators call themselves Republicans, another abolitionists, but they all have the same aim,—keeping up anti-slavery agitation and excitement and aggression on the South." ¹

During the long weeks of controversy, Stevens was not disposed to take much part. Once in a while, as we have seen, he briefly interjected a little ginger into the discussion in the form of wit and satire. What he said in his brief sallies tended to add fuel to the flames more than to pour oil on the troubled waters. But on January 25th, toward the close of the contest, he spoke more at length, partly to protest once more against Northern Representatives being frightened by Southern menaces, and partly to set forth the principles of the Republican party, which, as he felt, had been very greatly misrepresented by Southern speakers. He proceeded to analyze the party situation, as a means

¹ *Globe*, Jan. 4, 1860.

of explaining why, in his judgment, the House had not been organized.

First, he referred to the Democrats, "which means, of course, the Democrats of the South,—the others are mere parasites." At this, Vallandigham, of Ohio, interrupted and sought to prevent Stevens from speaking, but consented to waive his objection "if offensive language were not employed," whereupon Stevens, regretting that he could not know beforehand what Mr. Vallandigham would approve, substituted *satellite* for *parasite*, since the Northern Democrats "revolved, of course, around the larger body, as according to the laws of gravitation they must, and that is not offensive." [Laughter.] The administration Democratic party, according to Stevens' view, had no claim upon the twenty or more "South Americans," all of whom had been elected in direct conflict with the regular Democrats. With one exception, Republican principles were almost homogeneous with those of the Democratic insurgents; yet Stevens found no reason to reproach them for not voting for a Republican for Speaker.

He referred to the eight Anti-Lecompton men, not as a faction, as they had been called by Democratic speakers, but as "respectable gentlemen who would not agree to thrust slavery on Kansas against her will," and they, too, were all elected in hostility to the Democratic administration. What mercenary motives could induce them now to vote with the administration party? It would be a reproach to them. Many Republicans had helped to elect them to Congress, yet Stevens would not reproach them because they had not

seen fit to vote for a Republican for Speaker. These minor parties, with the Republicans, made up one hundred and fifty members of the House. The Democrats numbered ninety. Now, why has the House not been organized? Stevens answered this question that had confronted the House for weeks, as follows:

"I have learned somewhere in the old books that it is lawful to learn wisdom from the enemy; but I never heard any wise man suggest that it was wisdom to accept their counsel. The distinguished gentleman who occupies the executive at this moment is a politician as well as a statesman. He has long believed and, I doubt not, still believes, that the true way to aid the increase of the Democratic party North, is for the South to frighten them into the belief that if they venture to elect a Northern man with Northern principles, this Union is to be dissolved and all their industrial and pecuniary interests sacrificed. I have just as firm a belief as that I live that this whole program was drawn up at the White House and is carried out in pursuance of the idea that the old women and the men in petticoats and the misers at the North are to be frightened."

Stevens then asserted that when the Democratic party in the North had been sufficiently strengthened "by this cry of 'disunion' and the epithets of 'traitor' that have been launched against this side," then the administration would see to it that enough Democrats would be ready to yield to enable the House to be organized and proceed to provide for the wants of the country. In the face of the threat that the House should be disorganized till 1861, and discord should

reign perpetual unless the Republicans yielded, he asserted that he, for one, would stand by his cause and its worthy standard bearer "if the House were not organized till the crack of doom." He continued:

"For many weeks past we have listened in silence to what, I think, may fairly be called the rantings of the South, filled with groundless accusations against the North, and threats of vengeance and dissolution of the Union. Sir, we listened without reply and without fear; for whatever effect they might once have had, some of us always, and all of us now, have come to regard them as idle menaces, as barren thunders."

Stevens then proceeded to give "an answer, plain, temperate, and true," to all these allegations, by stating in the briefest possible manner what he considered the principles of the Republican party. It is doubtful whether there can be found in print a clearer and better exposition of the political principles of the Republican party on the eve of the Civil War.

"I would," said Stevens, "have no man vote under false pretenses. In my judgment, Republicanism is founded in love of universal liberty, and in hostility to slavery and oppression throughout the world. Undoubtedly, had we the legal right and the physical power, we would abolish human servitude and overthrow despotism in every land that the sun visits in its diurnal course. But we claim no right to interfere with the institutions of foreign nations, or with the institutions of the sister states of this republic. We would wish that Russia would liberate her serfs, Austria her oppressed subjects, Turkey her minions, and the South her slaves. But the law of nations gives us

no authority to redress foreign grievances, and the Constitution of the United States gives us no power to interfere with the institutions of our sister states. And we do deny now, as we have ever denied, that there is any desire or intention, on the part of the Republican party, to interfere with those institutions. It is a stern, an inflexible, a well-recognized principle of the Republican party, that every law must be obeyed till it is either repealed or becomes so intolerable as to justify rebellion.

“But, sir, while we claim no power to interfere between foreign sovereignties and their subjects, there is no law to prevent our sympathizing with the oppressed of Italy, of Turkey, or with the crushed souls of America; and, as we shall ever vindicate this liberty of speech, no earthly power shall prevent our giving utterance to such sentiments and denouncing such wrongs whenever we deem it proper. Sir, while we claim no power to interfere with any institution in the states, yet where the law of no state operates, and where the responsibility of government is thrown on Congress, we do claim the power to regulate and the right to abolish slavery. No other power on earth exists that can do it, for there is no other legislative body; and it would be an intolerable shame and reproach upon this republic if there was any spot within its wide expanse where no such power existed.

“Now, sir, the territories, the District of Columbia, the navy yards, and the arsenals have no legislative bodies but Congress; and it is our purpose to provide in the exercise of our legislative duty for preventing the extension of slavery into free soil under the juris-

diction of the general government, or any extension of slavery upon this continent. I do not in this remark desire to shun the question. I do not found this remark of exclusion by climate, or latitude, or soil. My hostility to slavery is of a higher character, I trust, than that. If it was not, there would be no kind of necessity for the existence of the Republican party at all. If I believed that slavery was right in itself, and it might be permitted in places where certain labor was or was not useful, I can not see what principle the Republican party could stand upon.¹ The whole ground is yielded, and this Republican party is a nuisance, and this agitation is a crime, in my judgment.

“Now, sir, we agree with Clay and Webster and the other fathers of our earlier day, that while we have the power to abolish slavery in the District of Columbia, the time for its exercise is a question of expediency about which, I have no doubt, many men on this side of the House differ. I believe that most of us agree that that time has not yet arrived, nor do I see the period, for the present, when it will; but when it can be safely and justly abolished it is the purpose of Republicanism to do so.

“Now, sir, these are the principles of the Republican party. Let those who approve them aid in their propagation,—not here, for we do not propose to propagate them here, but elsewhere. Let those who condemn these principles oppose us. For ourselves,

¹ Corwin had said that in climes where slave labor was the only profitable kind that could be employed, he would admit the slave system.

we have resolved to stand by them until they shall become triumphant; and we cheerfully submit them to the judgment of our fellow countrymen, to the civilized nations of the earth, and to posterity.”¹

Mr. Clemens, of Virginia, commended the “frankness and manliness” of this utterance, but he wished to know more specifically as to the attitude of Stevens and his party on the Fugitive Slave Law. In reply, Stevens recalled his own vote in opposition to that law, a law which he regarded as unconstitutional; but he said that he had no objection to “a fair law giving to the South the opportunity and the means of reclaiming their slaves,” and that so long as the court decision holds with reference to the law of 1850, he would not resist its execution. Clemens then recalled a previous utterance attributed to Stevens in which the latter had announced it as the policy of his party “to encircle the Slave States of this Union with Free States as a cordon of fire, and that then slavery like a scorpion, would sting itself to death.” Clemens asked if Stevens had ever said such a thing. “If I did,” said Stevens, “it is in the books,” though it might be that the gentleman from Virginia was thinking of a remark of a New York friend who had said that he would surround the Free States “with an atmosphere of freedom and that they should breathe it or die.” Clemens insisted that it was the genius of Stevens that had conceived the remark, and he wished to know if it should ever come to pass that the Republican policy, as Stevens had proclaimed it, should prevail, and slavery were abolished in the District of Columbia,

¹ *Globe*, Jan. 25, 1860, p. 586.

in the territories, arsenals, dockyards and forts; and if, in addition, that party should have the power and patronage of the presidency, and the prestige of the army and navy,—whether the condition described in the remark would not then be realized and slavery would be forced to die by its own act, like the proverbial scorpion that was forced to sting itself to death?

“I do not know, not being a prophet,” retorted Stevens, amid laughter.

Florence, of Pennsylvania, arose to submit a question of figures, “because,” he said, “I know my colleague was once a schoolmaster.” “Yes,” said Stevens, “I am proud to say that I have taught several hopeful boys. I wish I had taught you, too.” [Laughter.] Florence begged to know how ninety men could organize the House when one hundred and nineteen votes were required to elect the Speaker, and he referred to the intelligence that Stevens had pretended to have concerning the opinions and purposes of the White House. Stevens replied by saying that if a few Democrats would “step out some day during the voting,—get a little sick, or go out to get something to eat, or anything,—we could then elect a Speaker”; and “as to my intelligence of White House affairs the gentleman must remember that the President is one of my constituents.” [Renewed laughter.] To this, Florence very aptly replied that “if the gentleman represents his other constituents no better than he does the President, there is little hope for him.”

On the first of February, the long contest came to a close by the election of Mr. Pennington, of New Jersey,

whom the Republicans substituted for Mr. Sherman as their candidate. Mr. Pennington was, like Mr. Corwin, a conservative Old-Line Whig, who did not think slavery was morally wrong in itself, who as Governor of New Jersey had recommended the enforcement of the Fugitive Slave Law, and who, as Keitt, of South Carolina, said, was "taken up by the Republicans to lure over floating votes."

After the organization of the House, Stevens became a member of the Committee on Ways and Means, with Mr. Sherman, of Ohio, as chairman. The rest of the session as far as Stevens' activities were concerned, was chiefly taken up with his work on tariff and appropriation bills, and with some discussion of contested elections.

On the matter of contested election, he recognized the impossibility of the members of the House wading through the testimony and passing judicially upon a case. Therefore, members could act only on the findings of the committee appointed to investigate. The finding of a partisan House was apt to be partisan. He considered it a great misfortune that Congress had not adopted the system of Great Britain, that of having a judicial determination of such cases, permitting a decision to be final when made by a judicial committee sworn to try the case on the law and the evidence. This had worked well in Great Britain and in some of the states and would tend to avoid partisan unfairness.¹

¹ June 8, 1860, *Globe*, p. 2766. This enlightened and liberal view does not harmonize with Stevens' later partisan disposition in contested election cases. It is reported that upon coming into the House one day he found a vote in progress upon an

It is not necessary to go at any length into Stevens' repeated pleas for a protective tariff. Nothing new could be offered upon the subject, but the old arguments were repeatedly brought to the attention of the House and the country with great effect by Stevens. He had great interest in the protective cause and deep convictions as to its wisdom. He held that the argument for free trade was always metaphysical, that for protection always practical. He insisted that no nation would ever reduce free trade to practise until all nations were of one size, one wealth, one skill, one capital. England had still continued protection after her corn laws were repealed, because that repeal gave her cheaper food; and cheaper food was the only advantage that American manufacturers had ever had over the English. So, also, the English export duty on coal had a protective effect, because it forced her neighbors, like France, to pay more for fuel and to that extent gave the English manufacturer the advantage. Stevens believed it to be the true policy of every nation to take care of her own people in preference to the people of foreign countries; to foster and promote domestic industries and thus give employment to labor. His motive was to protect the labor of the country and let the idle have a better opportunity to work. He would not mince matters by declaring himself for a tariff "with incidental protection." The bill before the House was nothing more, and Stevens asserted that if it were not for the clause repealing the ware-election case, and when he inquired as to the merits of the contestants he was told that they were both "damned rascals." "Well," said Stevens, "which is our damned rascal?" Accordingly, he voted for his own party rascal.

house system, he would not support it.¹ "This is not a tariff for protection," said Stevens, "such as America ought to have; but it is the best we can get in these degenerate days." It was his desire to pay laborers at home instead of sending the money across the water to pay the laborers and keep up the workshops of Europe.

The House passed the revised tariff bill which was slightly more favorable to protection than the tariff then in operation, but by the action of the Senate, the bill, which was to be known as the Morrill Act, went over to the next session.

Before the Thirty-sixth Congress came together for its second session, the country had passed through one of the most exciting presidential contests in its history. Stevens, as one of the delegates from Pennsylvania, attended the National Convention in Chicago in which Lincoln was nominated. As in 1856, he again preferred Judge McLean as the candidate of his party, though his state delegation supported Simon Cameron, whom he disliked. The Pennsylvania delegation finally came to the support of Lincoln in preference to Seward, and Stevens voted for Lincoln on the decisive ballot. Now that the Black Republican party had succeeded in electing a President, it remained to be seen what effect that event would have on the continuance of the Union.

¹ The warehouse system provided that foreigners, when there was slack demand for the supply of goods which they had at home, might send their goods here and put them in warehouses where they could lie three years without paying duty. If they kept them there till the market rose, then they could have the articles in market before Americans could be ready to compete.

CHAPTER VIII

DISUNION, SECESSION, AND NO COMPROMISE

THE issue upon which Mr. Lincoln was elected to the presidency in 1860 was the restriction of slavery by national authority to the area of the Slave States. As Lincoln himself had expressed it, the question was who shall control the national government? Shall it be controlled by those who believe that slavery is right and ought to be extended, or by those who believe that slavery is wrong and ought to be restricted? In the minds of some men there were other interests; there may have been side issues, eddies, and counter currents, but in this statement of Lincoln is found the gist of the great controversy.

But upon that simple issue thus so clearly stated, the people of the Free States were by no means united. To thousands of Northern people who loved the Union of their fathers, the anti-slavery agitation had been only a hateful source of discord and disunion. Its very existence endangered the Union. The Pennsylvanian who was then President of the United States felt, as he said in his last annual message, that the continued interference of the Northern people with the question of slavery had at last produced its natural results in disunion. Buchanan saw no blame for the then sad condition of the country except in the "fell spirit of fanaticism" as represented in the anti-slavery

agitation. Hundreds of thousands of voters in the North felt that the Union and the anti-slavery cause could not abide together. They looked upon the Republican party as a sectional party that was disturbing the peace of the country and threatening the Union. They rather sympathized with the Southerners whom they considered to be attacked unfairly, while the Southerners themselves, unable to distinguish between abolitionists and anti-slavery men, looked upon Lincoln and his party as hostile to their section, and gave him no votes worth speaking of. Consequently as the result of the voting in 1860, the Electoral College presented the country with a President who was the choice of only a popular minority in the states. A million more votes had been cast against Lincoln than had been cast for him. Even in the states of the solid North, whose electoral votes he carried, Lincoln's popular majority against the combined opposition was very meager.¹ There were almost as many against him as were for him. And many thousands of those who had voted for Lincoln did so in the feeling that the cry of disunion was but an idle threat, a cry of "Wolf!" to frighten the country, a false alarm to deter men from voting their convictions on a national policy as to slavery.

When, therefore, as the immediate result of Lincoln's election, the secession of the cotton states went on apace and the Southern Confederacy was formed, and it was seen that the Union was dissolving and the clouds of war were lowering over the land, many of the men who had voted for Lincoln were affrighted at

¹ About 230,000 in all the Northern States.

what they had done. They would gladly have recalled their ballots and would have made such concessions to the South and given consent to such adjustment and compromises as would have guaranteed immunity and perpetuity to slavery. Whatever concession was found necessary to save the Union, that concession should be made, and the disunion seceders themselves were to be the judges of the necessity.

One of the most astounding revelations in our history is the woful lack of national spirit and purpose, the state of quaking panic and fear, which seemed to prostrate the country before the determined and militant spirit of the South in the secession movement. Our thirteenth amendment, decreeing that there should be no slavery within the United States nor in any place subject to their jurisdiction, was hailed upon its passage as "an immortal and sublime event." But the thirteenth amendment assented to in 1861, proposed as a compromising means of saving the Union and passed by two-thirds of the members of the national Congress, was an event of quite a different hue. It proposed to make slavery perpetual, beyond the power of the nation to repeal or to recall. The feeling seemed to be very general with the country that the dissolution of the Union would be the greatest calamity that could befall civilization in America. "Rather than that," exclaimed Charles Francis Adams, "let the heavens fall! To prevent that, let every other cause be sacrificed."

It was this feeling that was behind all these vain and in some respects humiliating efforts at compromise. It was the conviction that the Union must be saved and

that it could not be saved by a resort to force, but only by the free consent of the individual states. A resort to the sword seemed like madness. Senator Stephen A. Douglas, who sought to keep his finger on the public pulse as much as any man in public life, said in the Senate, February 21, 1861, "I have too much respect for the intelligence of Senators to believe for one moment that they hope to preserve the Union by military force. A peaceful settlement is a perpetuation of the Union. The use of the sword is war, disunion, and separation, now and forever." Wendell Phillips had said that the South had a perfect right to form an independent government of its own if it chose, while Horace Greeley in his historic editorial in the *New York Tribune* in November, 1860, under the caption, "Let the Erring Sisters Depart in Peace," gave a piece of counsel to his country from a powerful organ of public opinion that to-day must seem only like a veritable curiosity. If such things could come from the anti-slavery prophets on the platform and in the sanctum, what could be expected from common men in the marts of trade or from the time-servers in the halls of legislation?

Such utterances serve to illustrate the temper of the times. They were times of indecision and uncertainty, of doubt and dismay. Men hesitated and were afraid, and amid the multitude of counselors the dominant note seemed to be that the anti-slavery case that had been won after so many hard years of struggle should be yielded for the sake of peace. Charles Francis Adams had been the candidate of the Free-soil party for Vice-President in 1848, a party that had been re-

garded as radical and positive in its anti-slavery program. It was no other anti-slavery apostle than he who now proposed the amendment perpetuating slavery. He proposed that no future amendment proposing any interference with slavery "shall originate with any state that does not recognize that relation within its limits, or shall be valid without the assent of every one of the states composing the Union." "This," says Mr. McCall, "would have effectually postponed until the millennium the peaceful abolition of slavery under law."

Yet this proposal received nearly the unanimous support of the committee of thirty-three appointed by the House to consider plans of compromise and conciliation. Hardly a proposition was made in favor of slavery that the committee was not ready to endorse. Its report called for the enactment of Mr. Adams' "amendment," the repeal of the personal liberty laws in the Free States; the admission of New Mexico with its slave laws; the amendment of the Fugitive Slave Law so that a person who was seized by a claimant should have his right to freedom tried by a jury, not in a Free State where he was seized, and of which he might have been for years a citizen, but in the Slave State to which he was carried.

The compromise proposals made in the Senate were of the same tenor. The plan proposed by Senator Crittenden, of Kentucky, known as the "Crittenden Compromise" was the most prominent and comprehensive, involving, among other things, the extension of the Missouri line of $36^{\circ} 30'$ to the Pacific and the national guarantee and protection of slavery south

of that line; that further guarantees should be given concerning the return of fugitive slaves; that Congress should not interfere with the interstate slave-trade, nor abolish slavery in the District of Columbia so long as the institution existed in Virginia and Maryland; and, finally, that no future amendment to the Constitution should ever affect the three-fifths allowance of slaves in Southern representation, or the clause for the rendition of fugitive slaves, nor permit Congress ever to interfere with slavery in the states.

Buchanan in his weak and vacillating message had sought to demonstrate several distinct propositions: that the anti-slavery men were entirely to blame for the crisis; that South Carolina had a just provocation; that she had no constitutional right to secede, but that if she did secede there was no power in the national government to prevent it.¹ A state of mind like that on the part of those in the seats of power would allow the Union to dissolve by inanition. It had been supposed that Lincoln's triumph had been the triumph of freedom, that he had been elected to oppose slavery in its advance across the continent. It was thought the nation had determined to tread again the old landmarks, — in the footsteps of Washington, of Jefferson and of Mason,—the great Virginians who had in their day hoped to prevent the spread of slavery and to place it in the course of ultimate extinction. Were such humiliating concessions — they could not be called compromises — was this surrender to Southern

¹ Seward satirized this attitude by saying that it held substantially that "a state had no right to secede unless it wished to and that the government must save the Union unless somebody opposes it."

demands for slavery extension to be the result of the national verdict against slavery, merely because a few Southern States had passed so-called ordinances of secession?

It was most fortunate for America that a leader had been chosen to the presidency who had the sagacity to understand and the courage to speak the truth that the people then needed most to hear. Lincoln's vision was clear and his purpose unhesitating upon the vital issue. On the point of extending slavery he was inflexible, as firm as a chain of steel. "I am for no compromise," he said, "which assists or permits the extension of slavery on soil owned by the nation." He asserted that the instant such a compromise were agreed to, "they have us under again. All our labor is lost, and sooner or later, must be done over. The tug has to come, and better now than later. . . . Any trick by which the nation is to acquire territory and then allow some local authority to spread slavery over it is as obnoxious as any other. To effect some such result as this is the object of all these proposed compromises."

This expressed precisely the state of mind of Stevens upon the proposal to surrender the paramount issue in order to conciliate the South. When one reads the proposed concessions offered to the South, like tearful pleadings to recall the wayward sisters from their illegal course of secession and dismemberment, one feels that the need of the nation and of the hour was *men*, men of convictions, men of nerves and spines, such men as Oliver Cromwell or Andrew Jackson. The hour needed steady men, with vision clear enough to see

that the South was not to be placated by compromise, men who knew the South well enough to know that the only concession that would satisfy the aggressive leaders of the Slave States involved the complete surrender of the free-soil principle on which the nation had just elected to live.

There were a few such men in the Congress of the United States, and the boldest and ablest of all was Thaddeus Stevens. The attitude of Buchanan, marked by indecision and fear, and offering official apologies for secession, was like gall and wormwood to Stevens. He had a stout heart and he was not disposed to shrink in the face of danger, but rather to stand his ground and fight for his cause. He heartily disliked Buchanan, whom he looked upon as a doctrinaire and nerveless dotard whose presidency at this crisis was nothing short of a calamity to his country. He was disposed to look upon the presidential office as vacant while James Buchanan was drawing the salary. He would give forth no uncertain sound. It is, therefore, something of a relief, like a breath of fresh air in an atmosphere of depression, in those days of weakness and surrender, of hesitation and doubt and compromise, when many of his weak-kneed colleagues were ready to throw over the very cause for which they had won their political victory,—it is a relief to read such bold and ringing utterances for the vindication of the national authority as Stevens gave forth. A few years later it was easy to see that the times called for just such a type of leader. But it was only in the retrospect that the great indecisive majority, looking back on those times that tried the fibers of men, could applaud

the sentiment that Stevens then uttered when he exclaimed, "Oh! for an hour of Andrew Jackson!"

Stevens believed that if a state had no power to secede, then the nation had a right to its remaining in the Union, and if the nation had this right then it must have the power to defend it. On December 31, 1860, he introduced a resolution calling upon Buchanan to inform the House as to the situation of the forts, arsenals and public property about Charleston. He desired that the administration should not hesitate to defend this property. Stevens was ready to live up to the compromises of the Constitution as they had been originally made and to abide by the compromises on slavery that had been made since the Constitution had gone into operation. But he believed that the time for compromise and conciliation had gone by. He saw no spirit of concession and conciliation in the Southern leaders, and he had no patience whatever with the weak, do-nothing character of President Buchanan's message; and when a routine motion was made that so much of the President's message as relates to the present perilous condition of the country be referred to a special committee of thirty-three, one from each state, Stevens voted against it. The futility of further compromise was obvious to him. He held that negotiation was ended by the solemn declaration of the seceding party that they will not listen to concession or compromise. He called the committee of thirty-three the "Committee on Incubation." "This committee," says Mr. Blaine, "arrived at a series of conclusions which tended only to lower the tone of Northern opinion without in any degree appeasing the

wrath of the South. The record of the committee is one which can not be reviewed with pride or satisfaction by any citizen of a loyal state. Every form of compromise which could be suggested, every concession of Northern prejudice and every surrender of Northern pride, was urged upon the committee."

Stevens would have no part nor lot in any such work. To him it was all a craven-hearted or chicken-hearted procedure. When the report of the committee came in, he spoke with vigor in denunciation of it. He characterized the report, which assumed to give an estimate of Southern grievances, as a delicate bit of satire. He felt that the only manly way to meet the South in the crisis was in the same spirit of resolute purpose and determination that the Southern leaders themselves had shown. And the sequel shows that he knew better than his colleagues the temper of the South. "No compromise," he said, "can be made which will have any effect in averting the present difficulty. I regret the fact. But when I see these states in open rebellion, seizing forts, arsenals and millions of public property, when I see the batteries of seceding states blockading the highways of the nation and their armies in battle array against the flag of the Union; when I see our flag insulted and that insult submitted to, I have no hope that concession, humiliation, and compromise can have any effect whatever."¹

News from the South confirmed this conviction of Stevens. A Virginia embassy had gone to South Carolina for the purpose of inducing that state to appoint commissioners to propose amendments to the

¹ Jan. 29, 1861, *Globe*, p. 621.

United States Constitution in order to retain South Carolina within the Union and to secure her rights. South Carolina peremptorily refused to appoint such commissioners. She formally resolved, in answer to the Virginia embassy, that her separation was *final*; that she had no further interest in the Constitution of the United States, and that she would negotiate with the United States only as a foreign power.

Under such conditions Stevens thought that homilies upon the Union and jeremiads over its destruction could be of no use except to display fine rhetoric and eloquence. He was convinced that the Southern States would not be turned from their deliberate and stern purpose by soft words and touching lamentations. It would do them no credit; in that case condemnation of them would degenerate into contempt.

Stevens denounced Buchanan's message as containing some wholesome truths mixed with atrocious calumnies. He denied what Buchanan affirmed, that Northern interference with slavery was responsible for disunion. "The President knew," said Stevens, "that the anti-slavery party of the North never interfered, or claimed the right to interfere, or expressed a desire to intermeddle with slavery in the states." Stevens denounced Buchanan, because after denouncing secession as a great wrong he had come to the impotent conclusion that there is no power in the government to prevent or punish it. He thought it was time this question were solved, time to decide whether this Union exists by the sufferance of individual states. If it should be determined that secession is a rightful act or there is no power to prevent it, then the Union

is not worth preserving for a single day. Whatever disposition we may make of the present difficulty, fancied wrong will constantly arise and induce state after state to withdraw from the confederacy. If, on the other hand, it should be decided that we are *one people* and the government possesses sufficient power to coerce obedience, the public mind will be quieted, plotters of disunion will be regarded as traitors, and we shall long remain a happy and united people.

It will be seen that Stevens was not disposed to resort to soft words as a means of turning away Southern wrath. He was accustomed rather to defy that wrath and to stir it to hotter flame. "The real aggression," he said, "which one of the states frankly assigns as the reason of secession, is that the North has taken from them the power of government which they have held so long. They have elected the man of their choice President of the United States. The American people have used no violence or malpractise, but they have dared to disobey the commands of slavery, and this is proclaimed as just cause for secession and civil war. Can not the people of the United States elect whom they will for President without stirring up rebellion and requiring humiliating concessions to appease the insurgents? I would take no steps to propitiate such a feeling. Rather than show repentance for the election of Mr. Lincoln with all its consequences I would see this government crumble into a thousand atoms. If I can not be a freeman let me cease to exist."

It was in this spirit that Stevens faced the crisis of disunion and secession. Stevens, in common with the

great majority of his countrymen at this time, did not believe there would be a serious struggle. He would reduce South Carolina by peaceful means. He would send no armies there to wage war. But he would annul all postal laws within her territory and stop the mails at the border of the state; he would abolish all laws establishing ports of entry and collection districts within the state and prevent all vessels, foreign or domestic, from entering or leaving any of her ports. She could not then send her cotton or her surplus products abroad. No vessel could load within her harbors; she would be without officers to give her a clearance, without papers, without nationality, and she would be a prize to the first captors. Southern seaports would then be a barren waste, without commerce, and without industry.

Stevens had no sympathy with the impulsive emotional sentiment of letting "the erring sisters go in peace." "Those who counsel the government," he said, "to let them go and destroy the national Union are preaching moral treason. I can understand such doctrine from those who conscientiously dislike a partnership in slaveholding, who desire to see this empire severed along the black line so they could live in a free republic." Such might have been the voice of Garrison and the radical abolitionists, but it was not the voice nor temper of Stevens.

It was often said in the beginnings of secession that it was the purpose of the Southern leaders to take their states out of the Union as a means of imposing conditions,—in the belief that better terms could be made out of the Union than in it. They would then come

back masters of the situation. Stevens warned the South against this error, a warning to which subsequent years added a forceful emphasis.

“Let no Slave State flatter itself that it can dissolve the Union now and then reconstruct it upon better terms. The present Constitution was formed in our weakness. Some of its compromises were odious and have become more so by the unexpected increase of slaves. Now in our strength the conscience of the North would not allow them to enter into such a partnership with slavery. If this Union should be dissolved its reconstruction would embrace one empire wholly slave and one republic wholly free. While we will religiously observe the present compact nor attempt to be absolved from it, yet if it should be torn to pieces by rebels our next United States will contain no foot of ground on which a slave can tread, no breath of air which a slave can breathe. Then we can boast of liberty. Then we can rise and expand to the full stature of untrammelled freemen and hope for God’s blessing. Then the bondmen who break their chain will find a city of refuge.”

Stevens held that the pretexts used to justify secession were trivial. The Fugitive Slave Law was generally executed; its violation was the exception. Southern people could visit the North freely and in safety and enjoy full liberty to defend and propagate the doctrine of slavery. On the other hand, for twenty years it had been unsafe for Northern men to travel or settle in the South “unless they would avow their belief that slavery was a good institution.” “They can not expect,” he said, “to make us love

slavery or withhold the utterance of our just abhorrence of it. They can not hope to make the honest masses of the people adopt the blasphemy of some of their clergymen and call it a divine institution. They have too much respect for their temporal character and their eternal salvation.”¹

Stevens' purpose was to administer a tonic, to brace his colleagues and the country to resist cowardly counsels calculated to unnerve the people. He was reminded that his language was not that of Pennsylvania as represented by the united voice of her two Senators. He denied that the Senators represented the principles of the people of his state. “Pennsylvania would go, as I would,” he said, “to the verge of the Constitution and of her principles to maintain peace. But it is a libel on the good name of her virtuous people to say that she would sacrifice her principles to obtain the favor of rebels. I believe it to be a libel on her manhood to say that she will purchase peace by concessions to insurgents with arms in their hands. If I thought such was her character, I would expatriate myself. I would leave the land where I have spent my life from early manhood to declining age and would seek some spot untainted by the coward breath of servility and meanness.”

It was the guns at Sumter that aroused the people of the North from their fear. When the flag of the Union was fired on at Sumter, the latent national spirit in the North seemed to find expression. The lowering of the flag before hostile guns raised a new issue. It was not now a question whether slavery

¹ *Globe*, Jan. 29, 1861.

should be extended or the South conciliated. It was now a question of national unity and the enforcement of the national authority against secession and dismemberment. Upon that issue the North united.

No public man of the time recognized more clearly than Stevens that the country was in the greatest danger that it had faced since the inauguration of Washington. He also recognized that the virtue most needed in such a time of peril was "courage, calm unwavering courage,—a courage which no danger could appall."¹ Amid the trials and doubts and darkness of the great civil struggle upon which the country had entered Stevens more than any other man in the halls of Congress exemplified in his course the prime quality most needed in such a period,—unhesitating political courage.

¹ Speech in House of Representatives, January 29, 1861.

CHAPTER IX

SLAVERY AND THE WAR

LINCOLN'S election had been carried upon the restriction of slavery. His first purpose on coming into power was the restriction of secession. It was clearly wise for him to recognize the obvious fact,—that the Union cause was much stronger than the anti-slavery cause. There were still thousands of Union men, especially in the Border States, as well as among Mr. Lincoln's party opponents in the North, in whose opinions the anti-slavery agitation was the cause that had produced disunion and war; to whom "coercion" was odious; who thought that military force as a means of holding the states together was not only useless but pernicious; who believed, or professed to believe, that the national authority could never be successfully asserted by the bayonet and the sword against such a powerful revolution as that represented by the Confederate Slave States; that compromise and conciliation were still the only hope of the Union. Some of this unionism may have been mere pretense,—a mere cloak to cover purposes of aid and comfort to the secessionists of the South. Some of it certainly was pretty weak and unstable. But whatever of weight there was in it Lincoln wished to make use of against the cause of secession. He would bring every possible man, every ounce of opinion, to the sup-

port of the Union. To this end he was ready to hold in check anti-slavery purposes and tendencies. His first desire was to unite the North, divide the South, save the Border States, and preserve the Union.

For this reason Mr. Lincoln's inaugural address was quite conciliatory in its attitude toward slavery and the South. He called attention to the fact that the platform of his party committed him both to "the preservation of the Union and the maintenance of the right of each state to order and control its own domestic institutions according to its own judgment." He reiterated this sentiment of his party platform, and quoting one of his former speeches he said, "I have no purpose either directly or indirectly to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." Lincoln thus sought with earnest purpose to convince the South that his intentions were not hostile, and that the institution of slavery had no cause to fear interference from the executive authority of the nation.

His efforts were in vain. The South believed that the dominance of a party that was anti-slavery in its antecedents and purposes, under the administration of a leader who had declared that the Union could not exist "half slave and half free," meant the ultimate doom of slavery. No doubt they were right in this opinion. If slavery were prevented from extending it would be "placed in the course of ultimate extinction." The tree of slavery would be girdled and left to die. Time, public opinion, material interests, would have made slavery impossible within another generation.

But the South was wrong in supposing that there was any purpose of political interference with slavery in the states on the part either of Mr. Lincoln or of his party. As Thaddeus Stevens later said, when Sumter was fired on there were probably not three thousand abolitionists in the whole country who were disposed to disregard the Constitution or violate interstate comity in order to destroy Southern slavery. But the South seceded to escape from a government that they thought was hostile, and to form a government that they thought would be friendly to that institution. In this feeling and action there were many men in the North who felt that the South had, if not justification, at least serious provocation, and that the Southern States ought to be given ample assurance within the Union, even more than they already had, that Southern slavery would never be endangered from Northern aggression.

On these issues there were political divisions in the North. The bombardment of Sumter wrought a change. All parties then merged, in the great national uprising, into the party of the Union. Controversies over abolitionism and slavery ceased. The voice of faction and party contention was stilled, and the leaders of all parties called upon their followers to rally round the flag and to stand for the Union and the integrity of their nation. The people responded with practical unanimity. They rallied to the support of the government, not to prevent the spread of slavery, nor to interfere with slavery in the states,— a proposal which all parties since the foundation of the government had recognized as being beyond the limits of the Consti-

tution,—but to save the Union and the Constitution of their fathers.

This primary purpose was clearly expressed by Congress at the opening of the war. In the famous Crittenden Resolutions of July 22, 1861, immediately after the battle of Bull Run, Congress gave official definition to the object of the war. These resolutions recited, in substance, that the war was prosecuted on the part of the national government not to conquer or subjugate the Southern States, that is, not to reduce them to provinces, nor to interfere with slavery in those states; but to preserve the Union and to defend and maintain the Constitution and the laws, “with all the dignity, equality, and rights of the several states unimpaired, and that as soon as these objects are accomplished the war ought to cease.”¹ The evidence is conclusive that it was not the original purpose of the nation in the Civil War to interfere with slavery. If it had been but a hundred days’ war it would probably have ended with slavery intact. There is no doubt but that the Crittenden Resolutions, at the time they were offered, voiced the public opinion of the country and almost the unanimous opinion of the Republican party. President Lincoln accepted this policy and was ready to make it his own. In a conservative spirit he attempted at first to conduct the war without interfering with slavery, on the assumption that the status of the states and their relation to the Union had not changed.

But there were a few men in the country — probably one in ten thousand — of the more pronounced and

¹ *Congressional Globe*, July 22, 1861.

radical anti-slavery type, who believed at the outset that the Rebellion must result in the destruction of slavery. Stevens was one of these. He had opinions of his own, with no disposition to wait upon a conventional majority. When the Crittenden Resolutions were offered, he objected to them and withheld his vote. He was one of four in the House who were not ready to subscribe to its doctrines. He would not embarrass the government nor prevent its dealing a blow in opposition to slavery when occasion should arise. He wished the government to have a free hand, an unrestricted liberty in the conduct of the war, and he did not wish Congress to commit the country to a doctrine from which, as he believed, it would soon have to recede. He believed at the start what Lincoln came to believe later in the war, that in such a crisis, Congress and the President, representing a sovereign nation in the conduct of war, had a right to take "any steps which might best subdue the enemy."¹

Time was soon to vindicate Stevens' opinion in respect to the effect of the war upon the attitude of the government toward slavery. A few short months of war made all the difference in the world and wrought a decided change in the purpose and temper of Congress and the country. It was seen that slavery was a source of strength to the Rebellion. Conservative Union men were being rapidly and radically convinced that if the national government did not interfere with slavery, slavery would seriously interfere with the national government, and the success of its arms. This change in policy and purpose is indicated by the fact

¹ *Life and Writings of B. R. Curtis*, I, p. 348.

that when the Thirty-seventh Congress came together again in its regular session in December, 1861, and an attempt was made to reaffirm the Crittenden Resolutions, which had received such universal approval but a few months before, they were decisively rejected. They were rejected by a party vote upon the motion of Stevens, who had thus considerable satisfaction in seeing that at least his own party had now come to his position in asserting its freedom from a doctrinaire impediment to the conduct of the war, and that the nation was now to feel free to strike at slavery, or to do whatever else might seem best calculated to promote the success of the national cause.

A fortnight had not gone by after the Crittenden Resolutions were offered, defining the objects of the war and giving an implied promise that slavery would not be interfered with, before slavery had become a subject of sore discussion in Congress. It came up in connection with the first Confiscation Act of August 3, 1861. To this measure Stevens gave his earnest support. This was the beginning of war legislation concerning slavery. It aroused opposition, because a section of the law required that owners should forfeit the slaves whom they allowed to be used in arms against the United States or to labor in forts or intrenchments, or whom they should employ in any naval or military capacity against the national government.

In the debate on confiscation, August 2, 1861, Stevens voiced his deep opposition to slavery and his purpose to strike at that institution whenever occasion offered. He said: "God forbid that I should ever agree that the slaves should be returned again to their

masters and that you should rivet again the chains which you have once broken. I do not say that this war is made for that purpose. Ask those who made the war what its object is. Do not ask us. I did not like the Crittenden Resolutions because they looked like an apology from us in saying what were the objects of the war. Those who made the war should explain its objects. Our object is to subdue the rebels."

In this first discussion of the war touching slavery, Stevens predicted the arming of the blacks in defense of the Union.

"If this war continues and is bloody," he said, "I do not believe that the free people of the North will stand by and see their sons and neighbors slaughtered by thousands and tens of thousands by rebels with arms in their hands, and forbear to call their enemies to be our friends. I for one shall be ready to go for it — arming the blacks — horrifying to gentlemen as it may appear. That is my doctrine and that will be the doctrine of the whole people of the North before two years roll round."

After the rejection of the Crittenden Resolutions in December, 1861, Stevens wished to bring his party and the administration to higher and more aggressive ground upon slavery and emancipation. He would speak out the whole truth whether his colleagues would hear or forbear. On December 3, 1861, the first day of the regular session of the Thirty-seventh Congress, Stevens introduced a joint resolution for enactment into law containing two propositions: The first was to strike for general emancipation as the best means of

crushing the Rebellion; the second, to make full payment for losses to loyal owners by this policy. His resolution asserted that slavery had caused the Rebellion and that there could be no peace and union while that institution existed. As slaves are used by the rebels for supporting the war, and as by the law of nations it is right to liberate the slaves of an enemy to weaken his power; therefore the President should be directed to declare free, and direct our generals in command to order freedom to, all slaves who shall leave their masters or aid in quelling the Rebellion.

He thus urged boldly, at the very outset of the war, a policy of nation-wide emancipation. He would emancipate all slaves, whether of loyal or rebel masters, believing that if slavery were left anywhere in the South it would go everywhere. He urged this policy not in the hope of getting it adopted immediately, but as a means of educating public sentiment in and out of Congress. "I have no hope," he wrote to a friend. "Republicans are cowards, and Democrats will soon be in power again, as pro-slavery as ever." But as for himself he was determined that he would, at any rate, speak forth the truth that was in him and which he thought the country needed.

Stevens' notable speech of January 22, 1862, on these resolutions shows him to be one of the earliest, boldest, most outspoken, and most influential, of the anti-slavery advocates who were seeking to direct the war to anti-slavery ends. The House was in the committee of the whole on the state of the Union and the debate was taking a wide range. Because Stevens did

not expect to secure the adoption of this policy at that time, he was accused by the *New York Times*¹ of indulging in talk that was irrelevant, wasting the time of the House in talking about what was not before it. Stevens knew that Congress and his party were not yet ready to follow in the line of his proposals and that the public sentiment of the country did not sustain his radical policy. But he wished to educate that sentiment and to lead his party in the direction that he clearly saw would ultimately be found to be essential. He felt that the national government in the conduct of the war so far had been weak, timid, vacillating, ineffective, without appreciation of the formidable task before it. The country needed a tonic; the administration needed nerve and a stiffened spine. Stevens would infuse more energy into the prosecution of the war, and he was not afraid to employ the means at hand. He did not think it a time for honeyed words and conciliation. There was no sense in using the words of conciliation and peace where there was no peace. Speech that would nerve the country for war was the message that was needed. The business of war was to conquer, and in the war now forced upon the nation, he stood for firm, unyielding, uncompromising, conquering force.

It seems reasonable to say that in energizing the war power of the nation and leading it to lay hold of every possible weapon for overcoming resistance to the national authority there was in the national forum no stronger personal force than Thaddeus Stevens. A review of his speeches will give one a high apprecia-

¹ January 25, 1862.

tion of their educational influence in this direction. He was a masterful leader, and it was a most fortunate thing for the national cause that he stood in a place of such power and influence in such a crisis. He was bitter and unsparing in his denunciation of the Southern leaders for their course, and he sought to arouse the vigor and war spirit of the nation to crush the South. Men of power were needed for that hour, not men of soft and honeyed words, and Stevens wished the nation to arouse itself and assert its strength. He brought the accusation against the Southerners of having prepared for this crisis for thirty years past. Secession and war were not accidents of an hour. While these Southern leaders held the reins of government and could perpetuate and extend human bondage they deemed it prudent to stay in the Union, receive its benefits, and hold its offices; but when they saw the growth of population giving power to the North they prepared for rebellion against the Constitution when they could no longer rule under it.¹

Though this represents partisan and bitter crimination in which Stevens frequently indulged, yet it is manifest that in certain ways he showed a better conception of the Southern spirit and character and of the consequent nature of the task before the country than that possessed by his opponents and critics. Dismissing all hope of reunion by voluntary concession from the South, he wished to have it clearly recognized,

¹ In order to avoid excessive length of quotation I have reduced passages from Stevens, and have in some cases used abridged phrases without sign of omission. I think I have not misrepresented his meaning in any degree. When he spoke for himself, no one could misunderstand him.

as it should have been, that from the Southern standpoint the separation of the states was final, and that the Confederate States would consent to reunion only through the exhaustion of war. This was exactly the message that the nation needed to hear, to enable it to escape from a weak, dawdling and indecisive policy, as if the "little unpleasanties" were to end in another summer campaign.¹ The disaster resulting from this delusion was beyond estimate, but it was a delusion from which Stevens never suffered and against which he repeatedly warned his countrymen and those responsible for the conduct of the war. The war would end only when the South could no longer resist, only when her resources were exhausted. "How, then," he asked, "can the South be wholly exhausted? Let us not be deceived. Those who talk about peace in sixty days are shallow statesmen. The war will not end until the government shall more fully recognize the magnitude of the crisis; until they have discovered that this is an internecine war in which one party or the other must be reduced to hopeless feebleness and the power of further effort shall be utterly annihilated. It is a sad but true alternative. The South can never be reduced to that condition so long as the war is prosecuted on its present principles. The North with all its millions of people and its countless wealth can never conquer the South until a new mode of warfare is adopted. So long as these states are left the means

¹ The country was suffering from the delusion that the South would in a short time repent and turn from her course; or that if the government would but act tenderly and kindly, overtures of peace might be extended, and reconciliation would be brought about in the same old happy Union; and that, at any rate, conquest and subjugation could never succeed.

of cultivating their fields through forced labor, you may expend the blood of thousands and billions of money year by year, without being any nearer the end, unless you reach it by your own submission and the ruin of the nation. Slavery gives the South a great advantage in time of war. They need not, and do not, withdraw a single hand from the cultivation of the soil. Every able-bodied white man can be spared for the army. The black man, without lifting a weapon, is the mainstay of the war. How, then, can the war be carried on so as to save the Union and constitutional liberty? Prejudices may be shocked, weak minds startled, weak nerves may tremble, but they must hear and adopt it. *Universal emancipation must be proclaimed to all.* Those who now furnish the means of war, but who are the natural enemies of slaveholders, must be made our allies. If the slaves no longer raised cotton and rice, tobacco and grain for the rebels, this war would cease in six months, even though the liberated slaves would not raise a hand against their masters. They would no longer produce the means by which they sustain the war.”¹

Stevens saw that the task before the country could be accomplished only by the sacrifice of thousands of lives and millions of money. He recognized that the Southerners were proud, haughty, forceful and masterful for war, and that their training had led them to believe that they were born to command. They had declared that they would suffer their country to become a smoking ruin before they would submit. Stevens would accept the issue, and he said it were better “to

¹ *Congressional Globe*, January 22, 1862.

lay waste the whole South than to suffer the nation to be murdered, better to depopulate the country and plant it with a new race of freemen, than to suffer rebellion to triumph. There should be no negotiation, no parley, no truce until every rebel shall have laid down his arms and submitted to the government."

Stevens had little regard for the "sympathizer with treason," who would "raise an outcry about a servile insurrection or prate learnedly about the Constitution." He thought a rebellion of slaves fighting for their freedom was not so abhorrent as a rebellion of freemen fighting to murder the nation. He wished the Northern people to be possessed and impelled by the inspiration that comes from the glorious principle of freedom. He thought the North had not shown "the fiery zeal that impelled the South; nothing of that determined and invincible courage that was inspired in the Revolution by the grand idea of liberty, equality, and the rights of man."

"Our statesmen do not seem to know how to touch the hearts of freemen and rouse them to battle. No sound of universal liberty has gone forth from the capitol. Our generals have a sword in one hand and shackles in the other. Let it be known that this government is fighting to carry out the great principles of the Declaration of Independence and the blood of every freeman would boil with enthusiasm and his nerves be strengthened for a holy warfare. Give him the sword in one hand and the book of freedom in the other, and he will soon sweep despotism and rebellion from every corner of this continent. The occasion is forced upon us and the invitation presented to strike the chains from four millions of human beings and create them men; to extinguish slavery on this whole continent;

to wipe out so far as we are concerned the most hateful and infernal blot that ever disgraced the escutcheon of man; to write a page in the history of the world whose brightness shall eclipse all the records of heroes and sages.”¹

This was effective oratory, the oratory of conviction and action. It was spoken at a time in the early part of 1862 when slavery still seemed rooted and grounded in the policy of the President and of Congress and in the public sentiment of the country. Who will say that the voice of Stevens was not a powerful influence in bringing the country and its rulers to the higher plane of emancipation, to a readiness to direct the war for liberty as well as for union?

When this speech went to the country it was received with joy and approval by the radical anti-slavery spirits that had been awaiting in patience and disappointment for a more positive and aggressive policy toward slavery on the part of the administration. Stevens received many approving letters, not only from his own constituents but from distant states.

His radical anti-slavery constituents were everywhere, and he was written to as a man who, amid wavering and doubt and dalliance, was bold to speak the truth and who dared to stand up for his convictions. Men who had never seen him and of whom he had never heard, sent him warm greeting and blessing. It is evident that the speech had a resounding effect and that it was a potent influence toward strengthening the anti-slavery cause and arousing a public opinion that subsequently became effective in controlling the ruling councils of the country. “Every true patriot

¹ *Globe*, January 22, 1862.

throughout the North," wrote one, "nay, in the wide world, as he rises from the reading of that speech, ejaculates from the holy of holies of his heart, 'God bless you, Thaddeus Stevens.' Amid all the obloquy and insults of pro-slavers and devils you have dared to stand up a man. In the good time coming you will be honored for it. God grant that it may be during your lifetime. I have never seen you, may never have the pleasure, yet I see you standing grandly, nay, proudly magnificent, while the burning words of truth leap from your lips and are sped on the wings of the lightning to gladden the souls of freemen and slaves. God bless you! God bless Thaddeus Stevens!"¹

A gentle God-fearing Quaker in Pennsylvania wrote him that "all lovers of freedom have been made to rejoice in thy conduct. I have been wrought between hope and despair. When thee offered the bill liberating all the slaves I said, 'That is noble,' and I truly rejoiced; but it was not long before I found the fools and sinners among you were so many that the result was doubtful."²

Another urged that no compromise should be permitted by which slavery would be saved. "I would fight to the bitter end. I am truly thankful for the course you have taken in this death struggle. I hope and pray that God will protect and preserve you to the end of this contest."³

It was perfectly clear to Stevens that slavery was

¹ Stevens' Papers, Library of Congress, Letter of Wm. W. Keith, Wyoming, N. Y., Feb. 8, 1862.

² Stevens' Papers, Thomas Whitson, Willow Glen, Pa., March 20, 1862.

³ Stevens' Papers, Frederick Miles, Sugar-Grove, Pa.

the cause of the war. Without that institution, in his opinion, America might have continued to be a united and happy people, and so long as slavery existed there could be no solid Union. If a compromise were patched up and this germ of evil remained, the expenditure of life and treasure would be in vain, and the peace secured would be but a delusion and a snare. If future generations are to live in peace this cause of strife must be removed. Stevens held that the principles of the republic and slavery were wholly incompatible, that the two could not live together. His unyielding militant purpose, the supreme desire that most of all governed his public life in the period of war, was to bring slavery to an end as a means of crushing the Rebellion.

Stevens was much displeased with the conservative policy of Lincoln in overruling military emancipation by General Fremont in Missouri, in August, 1861, and by General Hunter in the Department of the South in the spring of 1862. He became a sharp critic of the administration from the anti-slavery point of view. As the war continued and the administration still seemed conservative and reluctant to pursue an anti-slavery policy, Stevens repeatedly expressed his dissatisfaction. Lincoln's message, proposing compensated emancipation, he characterized as "the most diluted milk-and-water gruel proposition that was ever given to the American nation." He urged the passage of the act ¹ forbidding the return of fugitives, and he favored every act looking toward anti-slavery ends. He said he could not approve putting generals

¹ March 13, 1862.

who sympathized with slavery at the head of our armies with orders to pursue and return fugitive slaves, nor did he like it to have our forces set to guard the property of rebel soldiers. When asked if he intended his charges against the President and Secretary of War or only against the generals in the field, he said his remarks should "apply where they belong. I am no sycophant, no parasite. What I think I say. These acts have been perpetrated without rebuke. Let the world determine where the responsibility rests. I believe the President is as honest a man as there is in the world; but I believe him to be too easy and amiable, and to be misled by the malign influence of the Kentucky counselors, and the Border State men."¹

For rebuking General Hunter, who had declared emancipation within his military district on the ground that slavery and martial law were incompatible, Stevens thought the administration deserved to be driven out, and he denounced its policy of refusing the liberation and employment of the slaves. He would seize all property of disloyal men as our armies advanced and plant the South with a military colony, if the Southerners would not otherwise submit. His was a policy of "thorough" and he would go directly to the end in view,—the subjugation of the rebels, without scruple or hesitation. It was Stevens' opinion that the "traitors" deserved their doom and in the face of such a crisis and of the momentous task confronting the nation, he felt that he "who dallies is a dastard and he who doubts is damned." He would allow the soldiers, as he said, to occupy the heritage of traitors and

¹ *Globe*, July 5, 1862.

build up there a land of freemen and of freedom, which fifty years hence would swarm with its millions without a slave upon its soil. He urged the administration not to be afraid of the cry of abolitionism, but to follow out the policy of military emancipation that had already been suggested by the order of General Hunter. He had no hope of success in the war until that policy was adopted. He viewed the matter not only as a question of emancipation, or abolition, but as the only means of putting down the Rebellion. To this policy he was convinced the nation would have to come at last, and to delay would be but to lose. Within a year's time he had the satisfaction of seeing his more conservative colleagues, as well as the administration and the nation at large, come to this doctrine which he so early and boldly proclaimed.

He spoke boldly and repeatedly for the employment of negro troops, startling and shocking as the proposition seemed to those whom he considered the craven and cowardly conservatives. He was not averse to shocking those who were constantly urging gentle processes toward the "erring brothers" of the South and who demanded that the war be conducted in such a way as to leave slavery intact. "If men are to be shot in this war," said Stevens, "let it not be our cousins, relatives and friends. Let it be the slaves of the traitors who have caused the war. Would that 100,000 of them had been at Richmond to receive the first fire of their villainous masters. Am I to stand here and be told that it will not do to let black men shoot and be shot at instead of white men! I abhor the doctrine and despise the policy. The blood of thou-

sands moldering in untimely graves is upon the souls of this Congress and Cabinet. I no longer agree that this administration is pursuing a wise policy. Its policy should be to free the slaves, enlist and drill them, and set them to shooting their masters if they do not submit."

Speaking again in the early part of the following year for the enlistment of negro troops he denounced an opponent,¹ for saying that he would fight only for the freedom of his own race. "That patriotism," he said, "that is wholly absorbed in one's own country is narrow and selfish. That philanthropy which embraces only one's own race and leaves the other numerous races of mankind to bondage and to misery is cruel and detestable."²

At this time, in February, 1863, Stevens recalled his conviction and his warning that neither the administration nor the people realized the magnitude of the war; that if it continued every bondman belonging to a rebel might be called on to aid in the restoration of the Union; and that the Union would not be restored until the Southerners were deprived of their main support, the slaves. Two years of bloody war, accumulating debt, bleeding hearts and weeping homes had given him no cause to change his opinion. The Rebellion was still in the field with as brave men and better generals than our own, and unless we "put more energy into the commanding generals and gain victories, all I predicted will happen,—the next Congress will be in other than Republican hands." Such a result, he thought, would be a triumph of the Re-

¹ May, of Maryland.

² *Globe*, Feb. 2, 1863.

bellion, doing more to divide the Union than twenty rebel victories, and yet "we are told that we must not employ the oppressed slave against his oppressors." He maintained that the blacks should be allowed to bear their share in a war of liberation. He defended them against the charge of cowardice and he expressed his contempt for the Northern men who would save the property of rebels and fill Southern graves "with our relatives rather than the property of traitors." "I do not expect to live to see the day," he said, "when merit shall counterbalance the crime of color."¹

During the summer and fall of 1862, Stevens continued his criticisms of what seemed to him the fatally conservative policy of the administration.

Before the policy of emancipation had been announced to the country by President Lincoln, and while the country was amid the gloom of continued military defeats, the outlook was decidedly dark, both for the Union and for the anti-slavery cause. Stevens kept urging Lincoln to break away from the influence of timid counselors; to reconstitute his Cabinet; to cut out the Blairs; to assert himself against the Border State politicians; to reanimate the country with a zeal for liberty as well as a love for the Union; and to lay hold boldly upon every weapon of attack, political and military, with which he might prosecute the war and defeat the enemy. He had no faith in Border State Unionism.

His purpose was to stir up the people that a proper public sentiment might be brought to bear upon those in power. Unless a change of policy could be brought

¹ *Globe*, Feb. 2, 1863.

about, he had no hope. Unless Lincoln could be forced to commit himself boldly to the anti-slavery cause, and to fight the Rebellion in such a way as to bring the greatest possible injury to its promoters, he feared that a base peace would have to be negotiated. To avoid that Stevens was ready to resort to any extreme.

"It seems to me," he wrote, on August 10, 1862, "that we are just as far from the true course as ever. Unless the people speak in their primary assemblies no good will come, and there seems little chance of that. A change of Cabinet is our only hope."

Again, writing from Lancaster, September 5, 1862, he expressed the dark and pessimistic view which had been forced upon him by the circumstances and defeats from which the country and the anti-slavery cause were suffering. "The symptoms give me no promise of good. The removal of Hunter and Butler and the continued refusal to receive negro soldiers, convince me that the administration are preparing the people to receive an ignominious surrender to the South. It is plain that nothing approaching the present policy will subdue the rebels. Whether we shall find anybody with a sufficient grasp of mind and sufficient moral courage to treat this as a radical revolution and remodel our institutions, I doubt. It would involve the desolation of the South as well as emancipation, and a re-peopling of half the continent. This ought to be done, but it startles most men."¹

The fall elections, indicating a reaction that meant rebuke and defeat for the Republican party and Mr.

¹ Stevens' Correspondence.

Lincoln's administration, did nothing to daunt the aggressive spirit of Stevens. These political defeats seemed rather to fan the flame of his radicalism and to lead him to insist all the more that the Cabinet should be reorganized and a more pronounced policy against slavery should be adopted. "Nothing seems to go right," he wrote. "I am almost despairing. Without a new Cabinet there is no hope. It were a great blessing if Seward could be removed. It would revive hope, though I fear it can not be done. But Fessenden is not the man for his successor. He has too much of the vile ingredient called conservatism, which is worse than secession. He is not so great as at one time I hoped he would prove. Bancroft would be better. But no one will succeed. Things go by a wild chance."¹

He drew a darker picture than the outlook justified, as we now know. But his motive was clear and true. It was to arouse, by repeated speeches and letters, the anti-slavery forces in the North to demand a more positive and aggressive policy.

It has been said that this radicalism of men like Stevens, this impatience to strike at slavery, at whatever cost, was one of the greatest causes of worry and embarrassment to President Lincoln in his devoted effort to save the Union; that Stevens was to Lincoln, not a help, but only a painful "thorn in the flesh." It is said that Lincoln could not go faster nor further in opposition to slavery than public sentiment permitted; that if he had committed himself to the radicalism of the anti-slavery leaders he would have lost

¹ Stevens' Papers, Oct. and Nov., 1862.

the slaveholding Unionists in the Border States; he would have lost wavering Republican voters in the North to the Democratic party; he would have lost volunteer soldiers to the army who had no thought nor intention of fighting in an abolition war; and thus he might have lost the cause of the Union itself.

If it be said that such anti-slavery criticisms as Stevens indulged in embarrassed an ever-faithful and overburdened President who was merely biding his time while waiting on public opinion, it may be asked, upon the other hand, how public opinion was ever to be brought to a higher plane, so that the great emancipator might be enabled to do what he desired. His desire was to lead on to that good time when all men might be in the enjoyment of freedom. Could that good time have come at all if the insurgent and radical anti-slavery men had all kept still, or had uttered nothing but pleasant and honeyed words for Lincoln and his Cabinet? If Stevens and his kind had consented to leave the administration in peace under the control of the "timid conservative counselors" who, in both field and forum, were ready to conduct the war with polite and fraternal consideration for the Southern whites and with utter indifference to the cause of the slave; if they had not boldly fought and spoken for their cause, it is not likely that either liberty or union could have been preserved in the great civil struggle. It should be remembered that a tremendous struggle was going on within the councils of those friendly to the cause of the Union for the control of the President and of the presidential powers. The radical anti-slavery men, the "progressive insurgents" of their

day, won out, but they never could have won by a policy of silence and fear. It is equally clear that they could not have won by a disposition to conciliation and compromise. It was not a species of *lèse-majesté* to criticize Lincoln. He was fairly open to criticism and no one knew better than himself the value of honest censure. He sought no such pinnacle of exclusion above his fellow men, and his course shows how wisely and well he profited by the honest and patriotic censure that was visited upon him. He candidly and modestly acknowledged that he did not control events but that events controlled him. He yielded where he ought to have yielded, he resisted where resistance was demanded. One of the events that controlled him was the persistent purpose of the Rebellion and its formidable character, which Stevens had so early and so earnestly attempted to demonstrate; while another stubborn and controlling event was the unbending purpose of anti-slavery radicals like Stevens to see to it that the restoration of the Union should carry with it the abolition of slavery.

It is now quite clear, and it was clear to men of foresight and vision then, that the nation had to choose between the Union and slavery. They could not both be preserved together. After the first year of war it was only the dull unseeing persons who thought otherwise, those who had no moral purpose or who were very easy of conscience on the subject of slavery. The loyal citizen had no alternative; he had to choose which he would cling to and which he would give up. It was blind and fatuous to talk of keeping slavery and the Union together. The old Union of guilty com-

plcity with slavery was dead and it should never be revived. This was the whole of Stevens' view,—all he insisted upon; and who will say that he and the men of his kind did not help Lincoln to realize it? The men who preferred to "let the Union slide" if its preservation by war threatened slave property were a poor reliance, in Stevens' judgment, for the support of the vigorous measures that were necessary to crushing the Rebellion. A *progressive* policy on slavery was what Stevens demanded, and there was no power so great nor name so high as to restrain the utterance of his conviction that it was futile, not to say criminal, to continue the conduct of the war on the "stand pat" policy of the "Union as it was and the Constitution as it is."

"'The Union as it was and the Constitution as it is' is an atrocious idea; it is man stealing," he said. "Those who wish to reestablish the Union on that basis can not escape the guilt of attempting to enslave their fellow men. The Southern States have forfeited all rights under the Constitution which they have renounced. They are forever estopped from claiming the Constitution as it was. The United States may give them those rights if it choose, but they *can not claim them*." The Slave States had voluntarily thrown off the protection of the Constitution, and "under the law of nations it is not only our right but our duty to knock off every shackle from every limb." With a deep and intense hatred of slavery and a withering contempt for all who would sustain it he exclaimed: "If a disgraceful peace were made leaving the cause of this Rebellion and the cause of future wars un-

touched and living, its authors would be the objects of the deepest execration and of the blackest infamy. . . . All this clamor against radicals, all this cry of the 'Union as it was,' is but a persistent effort to reestablish slavery on the limbs of immortal beings. May the God of Justice thwart their designs and paralyze their wicked efforts." ¹

It was not the persistent utterance of such noble convictions that embarrassed Lincoln and made the issue doubtful. "Faithful are the wounds of a friend, while the kisses of an enemy are deceitful." The anti-slavery men were faithful friends to every effective measure for the maintenance of the Union. Lincoln knew full well that he could confidently rely upon them. It was not the wounds from this source that most worried the suffering President. It was the Copperheads; the weak-kneed and thin-skinned Unionists, who were half secessionists; men who were willing to stand by the Union only if it protected slavery, and who were ever ready to denounce the administration for every forward step,—these were the men who made Lincoln's life a burden in his conduct of the war for the Union. At every suggestion of interference with slavery, these men—the Border State slaveholders and the Northern Copperheads—were constantly shouting "Abolitionist!" "Unconstitutional!" which, Stevens said, were "favorite terms of reproach in the mouths of tyrants and blackguards." Stevens wished to brace up some of his Northern colleagues against their quaking fear of being dubbed with this once odious epithet. He recognized in Lincoln

¹ *Globe*, Jan. 22, 1864.

"the best meaning of living men," but he regretted exceedingly that the President "had not shown the sternness of purpose and the Jacksonian resolution to save the life of the nation by cutting the Gordian knot, instead of nibbling at its fibers." He said that "Lincoln had been restrained in his free action by the subtle metaphysics of the Massachusetts Whigs and by the *perverts* of the New York school, who have sought to forget and to make others forget that there was ever such a question as Liberty and Slavery and who have sought to end the war in sixty days by not hurting or provoking the rebels."

While Stevens had charity for the President, though hesitating not to criticize his slowness and denounce the false advisers around him, he had no charity for "the bold and defiant Democrats" who, as he thought, were seeking power and "were fighting the battles of the rebels under the guise of the Constitution." These men were ready to capitulate even though to do so would be to perpetuate and extend human slavery. "Those who prate for peace propose now to offer the South new constitutional guarantees, and yet they talk of the 'Constitution as it is.' These traitor Democrats propose to amend the Constitution so as to prohibit liberty in the South, but will not agree to amend it so as to prohibit slavery in the North."

It was upon these men that Stevens visited his hottest anathemas. "Can the imagination," he asked, "picture a class of men from the king of Dahomey to the rebel Copperheads of New York and Pennsylvania whose hearts are blacker, or whose thirst for despotism is more hateful? Neither of the parties

could consent to 'the Union as it was.' No great war ever left the parties at its close as they were at its beginning." He referred to the "brutal resolution" of a late Democratic convention in Lancaster County, recommending to the legislature "to deprive a whole race of innocent men from breathing the air of Pennsylvania." "The advocates of the measure," said Stevens, "whether in the convention or in the Legislature, are moral monsters, outlaws from every principle of humanity, and of Christian civilization."

"These base Copperheads would change the Constitution to conciliate the South, but not to hurt slavery. Before this Rebellion began the Constitution bound us hand and foot to the car of human bondage. Now when an all-wise Providence has caused this wicked treason to break those obligations and enable us to strike off their shackles and guarantee universal freedom throughout this grand continent, these vipers, instead of glorying in the opportunity, insist with one voice on reimposing their chains and dooming this fair land, and generation upon generation of human beings, to its blighting curse.

"Of what stuff are such things made? Have they human souls? I doubt if there can be found in the hottest corner of pandemonium cinders black enough and hard enough to make hearts for such inhuman wretches."¹

A year later Stevens was able to speak with a more hopeful, not to say triumphant note. He then saw the beginning of the end of slavery in America. He warmly supported Lincoln's reelection to the presidency, and in a notable campaign speech in the Union League Hall in Philadelphia, Oct. 4, 1864, he sought to encourage the people in the contest and to interpret

¹ Speech before the Union League in Lancaster, 1863.

the deep significance of the issue involved. "From this Rebellion," he said, "this republic will emerge reunited, purified, strengthened, and glorious throughout all time, or it will sink into profound despotism, slavery, and infamy. On the result of the ensuing election depends one or the other condition. Let no one beguile the people at such a time with false and flattering tongue. Let none dare to daub with untempered mortar."

It is not now easy to realize the spirit of weakness and surrender, not to speak of craven disloyalty, which Stevens and the strong Unionists had to encounter in those trying times. There were those "half traitors and half cowards" who were urging the Northern people to withdraw their armies and sue for peace. Honorable W. B. Reed, a Pennsylvania Copperhead, bearing a name distinguished in Revolutionary annals, had ventured to stand in Philadelphia in the midst of the Civil War and urge assent to the dismemberment of the Union and the perpetuity of slavery, and he urged that Pennsylvania should cast her lot with the South. He drew a dreary picture of the sacrifices of the war,— "a quarter of a million dead, millions of hopeless debt, industry paralyzed, private fortunes shattered, the tax-gatherer and the press-gang ever ready to start on their relentless errand. Every day dissipates the theory of conquest and widens the chasm which separates us from our brethren of the South. The great Middle States must speak and act in self-defense. If it be a choice between the subjugation of the Southern States and their tenure as military provinces and peaceable recognition, I am for recognition. If the choice

lie between a continuance of the war and the recognition of the Southern Confederacy, I am in favor of recognition, of course making the abolition party responsible for the dread necessity. The blood of the Union is on them." ¹

This is a fair sample of the Democratic political literature of the time which Stevens was called upon to combat. No word of reproach for slaveholders in arms against the nation; all reproaches were for the lovers of freedom who had stirred up opposition to slavery. The Constitution was constantly quoted in favor of those who had thrown it overboard. If you touch slavery you violate the blessed Constitution and it will irritate the rebel masters and make them still more angry, and, in any case, it is better to let them have their way than to fight.

When it is remembered that a political party avowing such principles and recognizing such men as leaders had almost carried a majority of Congress in 1862 and were now contesting for the presidency with such peace purposes in view, we may see how near the nation was to surrender and how imminent was peaceful dissolution in the dark days of the Civil War. It was no time for half-hearted men and half-hearted speech. If ever there was a time in the history of America that called for men of fighting courage, for men like Pym and Cromwell, it was then. It was not a time to load Union muskets with sawdust nor Union speech with tender words of "fraternal regard for our brethren of the South." It was a time for courageous

¹ W. B. Reed, *Vindication of Certain Political Opinions*, Philadelphia, 1862.

fighting men,— for men like Thaddeus Stevens whose words always had in them a tonic for the nerves of loyal men. Facing the Copperhead leaders of Pennsylvania in the bitter political conflicts for the presidency in the Civil War, he sought to recall to his countrymen the origin of the conflict; how unprovoked the Rebellion had been; how timid men had humbled themselves in the dust before Southern insolence; how they had proposed so to amend the Constitution as to make the abolition of slavery impossible in a constitutional way.

“The slaveholding madmen rejected the offers and spurned the prostrate suppliants with scorn while yet kneeling in the dust. Their folly was the salvation of freedom. Had not the gods made them mad we should this day have been in shackles instead of having stricken them from others. Now that there is not a slave in the American continent, shall we agree for the sake of a disgraceful and precarious peace to reenslave four million human beings? Shall we aid to rivet the chains on a whole race of God’s children that we may purchase the poor boon of a temporary peace from triumphant traitors? If we are men we will resist it to the death. If we are Christians we will sooner suffer martyrdom. Furthermore let us consent to no peace merely on the simple condition of the maintenance of the Union. That would be a weak betrayal of noble men who have fought our battles. Men who make such suggestions, in the Cabinet or out, can be naught else than miserable cowards or moral traitors. Men who aspire to march at the head of a nation or to be foremost in the party of progress, have no right to tremble or despair when danger threatens. My young friends, I know not how such poltroonery stirs your warm blood, but, old as I am, it makes the blood boil in my thin worn veins. It is not by such

trembling and trimming in compromises that great nations are established or sustained.”¹

He rejoiced that Lincoln had now risen above Border State seductions, above Republican cowardice, had elevated himself to the full height of his moral nature, and had declared for both the integrity of the Union and the abandonment of slavery. “Well may every honest man, well may every man who loves God and loves liberty exclaim, ‘Thank God for Abraham Lincoln.’ Wiser and firmer than his official or officious admirers, he has saved the nation from disgrace; he has rescued liberty from destruction. I would not bestow indiscriminate praise upon every act of the President. Whoever heaps fulsome eulogy on those in power is a parasite and a sycophant and not an honest counselor. ‘He crooks the pregnant hinges of the knee that thrift may follow fawning.’ An honest critic who points out the errors of his friends may be believed when he speaks of their virtues. He who denies any errors to his idol makes him more than human and is entitled to no credit.”

In the glad prospect before his country Stevens thought Lincoln’s countrymen might well forget that he had erred in too long listening to false and timid counselors.

The party of the Union was now united in an aggressive and positive policy. The political contest in Congress now was only with the apologists of the Rebellion and the friends and defenders of slavery who claimed to be also friends of the Union. The final

¹ Speech, Phila., Oct. 4, 1864, *Union League Gazette*.

contest with these persistent opponents of a true Union, with universal liberty as its basis, was to be over the first of the great war amendments.

After the reelection of Lincoln in the fall of 1864, it was seen that in the new Congress just elected there would be a sufficient majority to pass the thirteenth amendment to the Constitution forever abolishing slavery throughout the United States. This amendment had been introduced into the House by Mr. Ashley, of Ohio, and into the Senate by Mr. Wilson, of Iowa, as early as December, 1863. It had passed the Senate by the necessary two-thirds majority on April 8, 1864. Stevens was quick to bring it up in the House, but on June 15, 1864, it failed there of the necessary two-thirds vote.¹

It was opposed in debate by the most absurd, strict-construction and obstructive views. Pendleton, of Ohio, asserted that there were parts of the Constitution that could not be amended, not even by the consent of all the states, save one. The right of any state to regulate its own "domestic institutions" was one of these. In our system of federal government slavery was a "domestic institution," a cowardly euphemism for slavery. Its abolition or retention belonged entirely to the state. It was, therefore, beyond the amending power. If all the states but one should vote for the proposed amendment abolishing slavery, it could not be abolished in that one save by unconstitutional usurpation and lawless force. "If," said Pendleton, "you propose that amendment on the dissenting states by force it will be their right to

¹ The vote stood, yeas, 93; nays, 65; not voting, 23.

resist you by force and to call to their aid all the powers which God and nature have given them to make that force effective. If you propose to establish over them by force a constitution which you have just amended by force of arms, I warn you that you will destroy the last lingering hope, faint and small as it now is, that you will ever be able to restore this Union, or even to maintain the jurisdiction of the federal government over those states.”¹

This meant, it would seem quite fair to say, that Pendleton did not wish to see the Union restored by successful war. He wanted, rather, that the war should cease and the Southerners be allowed to have their way, vainly hoping that they would choose, of their own good will, to be reconciled to the Union on terms not utterly degrading to the national honor.²

¹ See the *Cong. Globe* for June 15, 1864, and Jan. 11, 1865. In this discussion Stevens forced Pendleton to the *reductio ad absurdum* of asserting that if three-fourths of the states attempted such an amendment they would thereby take themselves out of the Union, while the minority of the resisting states would compose the only true constitutional union. The record is punctuated with laughter at this point, indicating that there were at least some members who had a reasonable sense of the ridiculous. *Globe*, p. 223, Jan. 11, 1865.

² Pendleton warmly disclaimed any sympathy with rebellion and slavery. He was an honest man, but whatever his intention, he should be held responsible for the effect of his words. And it is impossible to see how his argument could have any other effect than to give aid and comfort to slavery and rebellion. He was giving, as he said, “the highest admiration of his intellect and the profound homage of his heart” to a blessed document, called the Constitution, forgetting his country, the nation, and the welfare of millions for whom the Constitution existed. It was government by parchment that he was contending for. He predicted that if the majority of the House forced the final emancipation of the slaves, the South “will liberate and arm its negroes, and aided by the moral force, if not the material power of Europe, will establish its independence, and your Union President will sign the treaty of dissolution.” *Globe*, Jan. 11, 1865.

The vanity of such a hope (if it were not a mere deceitful and partisan pretense, as Thaddeus Stevens was disposed to believe) was proved by every voice and sign of public opinion that came up from the South.

Stevens combated Pendleton and he contended for the unlimited power of amendment. He held very logically that slavery was as suitable a subject for the exercise of the amending power as was religion, to which one of the early amendments related. No power had been granted to Congress to legislate on the subject of religion, but the absence of such delegated power did not restrain the First Congress from passing an amendment touching that subject. A like exercise of power could be had with reference to slavery.

After his reelection Lincoln, in his annual message in December, urged Congress again to take up the amendment and press it to passage. He asserted that it was sure to pass sooner or later. The people had spoken for it and the majority in the next Congress would pass it, and the sooner it were done the better. It would be worth thousands of armed men to the Union cause and, as Lincoln urged, it might now be reasonably voted for by those who had opposed it before merely in deference to the expressed will of the majority.

When the amendment came up again it still met with Democratic opposition. On January 11, 1865, Pendleton, closing a long and labored speech in opposition, referred to Stevens' constitutional argument which was so abhorrent to the strict-construction, states-rights, Democratic school. Pendleton recog-

nized Stevens' fame "for his sledge-hammer power of logic," but he warned Stevens "to be careful how he asserts too far his doctrine" that the war had abrogated the Constitution. "Let him be careful lest he may find that it will dissolve the ties which bind the Northern States one to the other, and they be remitted to their original position of independence. Let him be careful lest when the passions of these times be passed away and the historian shall go back to discover where was the original infraction of the Constitution he may find that sin lies at the door of others than the people now in arms."¹

This was equivalent to charging Stevens and those who acted with him with responsibility for the war. Stevens replied with spirit to so grave a charge. It was during the last days in the discussions of the thirteenth amendment, whose passage by the House on January 31, 1865, was hailed as "an immortal and sublime event." Up to this time in the history of the amendment, Stevens, though constantly pressing the amendment for passage, had spoken but little upon it. The passage from Pendleton quoted above seems to have been the occasion of calling from Stevens a brief and valuable summary of his life's course toward slavery in the last speech he made on that subject during the Civil War. A brief extract of that speech seems a fitting close to this chapter, summarizing, as it does, Stevens' attitude toward slavery and the war.

If it be true, as charged, that he and his anti-slavery associates had first "infracted" the Constitution and caused the war, it should induce them not only to

¹ *Globe*, Jan. 13, 1865.

great regret but to deep remorse. What, then, up to the time of the breaking out of this Rebellion, was their position upon the subject of slavery that caused this war? He begged but a few moments to state it.

“From my earliest youth I was taught to read the Declaration of Independence and to revere its sublime principles. I have found in the great men of antiquity, in all their works which have survived the ravages of time, one unanimous denunciation of tyranny and slavery and eulogy of liberty. And my hatred of this infernal institution and my love of liberty were further inflamed as I saw the inspired teachings of Socrates and the divine inspirations of Jesus.

“Being immovably fixed in these principles I took my stand among my fellow-citizens, and on all occasions, whether in public or in private, in season, and, if there could be such a time, out of season, I never hesitated to express those ideas and sentiments, and when I first went into public assemblies, I uttered this language. I have done it among the pelting and hooting of mobs, and I never quailed before the infernal spirit, and I hope I never shrank from the responsibility of my language. This feeling grew with my growth and strengthened with my strength and I thank God it has not decayed with enfeebling age.

“When, fifteen years ago, I was honored with a seat in this body, it was dangerous to talk against this institution, a danger which gentlemen now here will never be able to appreciate. Some of us, however, have experienced it; my friend from Illinois on my right (Mr. Washburne) has. And yet, sir, I did not hesitate, in the midst of bowie-knives and revolvers

and howling demons upon the other side of the House, to stand here and denounce this infamous institution in language which possibly now, on looking at it, I might deem intemperate, but which I then deemed necessary to rouse the public attention and cast odium upon the worst institution upon earth, one which is a disgrace to man and would be an annoyance to the infernal spirits.

“Mr. Speaker, while I thus denounced it and uttered my sentiments in favor of universal freedom everywhere, I found in the Constitution of my country what I construed, whatever others may think, as a prohibition from touching slavery where it existed; and through all my course I recognized and bowed to a provision in that Constitution which I always regarded as its only blot; and I challenge the scrutiny of my respected colleague on the Committee of Ways and Means, or any other gentleman, through all the records of utterances in this House, to find one single motion or one single word which claimed on our part to touch slavery in the states where it existed. We admitted that it was there, protected by that instrument. We claimed that in the territories we had full power over it, and in the District of Columbia; and I, with those who acted with me, could not hesitate as to what our duty required in excluding it from the free soil of the country and confining it to the spots it already polluted.

“Such was our position, not disturbing slavery where the Constitution protected it, but abolishing it wherever we had the constitutional power and prohibiting its further extension. I claimed the right

then as I claim it now, to denounce it everywhere. even in foreign lands, so that if such language could anywhere affect public opinion it might do so. I claimed the right to hedge it into the smallest space; but no man with whom I acted ever proposed to violate the Constitution for the purpose of touching slavery."

He then stated the well-known position of his party in favor of the exclusion of slavery from the territories and its abolition in the District of Columbia. He endorsed the opinion of "the great man of the West that it was a sin and a shame to believe that there was no power on earth that could abolish slavery over every inch of ground in the world." Referring to Pendleton's pleas and efforts to ward off attacks upon slavery, Stevens concluded: "I will be willing to take my chance, when we all molder in the dust. He may have his epitaph written, if it be truly written, 'Here rests the ablest and most pertinacious defender of slavery and opponent of liberty,' and I will be satisfied if my epitaph shall be written thus: 'Here lies one who never rose to any eminence, and who only courted the low ambition to have it said that he had striven to ameliorate the condition of the poor, the lowly, the downtrodden of every race and language and color.' [Applause.]

"I shall be content, with such a eulogy on his lofty tomb and such an inscription on my humble grave, to trust our memories to the judgment of after ages." ¹

¹ *Globe*, Jan. 13, 1865.

CHAPTER X

THE CONSTITUTION AND THE WAR

WE come now to inquire into the attitude of Stevens toward the Constitution, the constitutionality of war measures, and the effect of secession and war on the constitutional status of the seceded states.

Much that has been said upon slavery bears directly or indirectly upon this inquiry; but this important aspect of Stevens' career and opinions in time of war, calls for further notice and elaboration. It has an important bearing on his later course in reconstruction, and it is important to notice that his constitutional opinions after the war were merely those that he announced and defended during the war.

The anti-slavery policy advocated by Stevens and men like him was one of the apologies for opposition to the war. The anti-slavery men were accused of wishing to make the war entirely subservient to abolition, and of being unwilling to see the Union restored with slavery as it was. They would not be quiet, and they were charged with obtruding their opinions everywhere, with the result that, while at the beginning of the war the nation was united, the Union forces were soon divided, since those who wished to prosecute the war solely for the purpose of restoring the Union were alienated and estranged.¹

¹ Diven, of N. Y., *Cong. Globe*, Jan. 22, 1862.

A large body of conservative men in the North, chiefly among those who had opposed the Republican party and Mr. Lincoln's election, looked upon the anti-slavery program both as a perversion of the Constitution and an entire departure from the original and legitimate objects of the war. Under the leadership of adroit and able men, these conservative Democrats and constitutional Unionists became a compact party of opposition whose opinions and purposes may be summarized as follows:

In the first place they accepted the Crittenden Resolutions¹ as their war platform, and they would have it clearly recognized that the primary and sole object of the war was to save the Union. It was not to interfere in any way with slavery. Any act or policy tending to turn the military forces of the government from mere Union-saving to abolitionism, or toward emancipation as a means of Union-saving, was unconstitutional and a perversion of the object of war, and it ought to be restricted.

In the second place, according to the policy of this anti-war party, the war must be so conducted and ended as to preserve the equality of the states. The Union was based on this equality and it must be preserved as it was made. There must be no conquest, nor subjugation, nor interference with statehood or with the rights of the states, their governments, or their domestic laws. Whoever should attempt by federal authority to destroy any of the states or to set up any federal authority within them not allowed under conditions of peace, was guilty of a high crime against

¹ See p. 171.

the Union; and any person proposing peace on any other basis than the integrity of the states was as guilty a criminal as he who would propose peace on the basis of a dismembered Union. The Southern States must not be reduced to provinces or territories, nor the Southern people regarded as alien enemies; but the constitutional relation of the states to the Union was to be recognized as being undisturbed and the constitutional rights of the Southern people should be fully maintained. To prosecute hostilities beyond these limits, or in a spirit of conquest in violation of these principles would destroy state equality, subvert the Constitution and prevent the Union.¹

This meant that the constitutional limits set to congressional and executive power must be the same in war as in peace. Secession, rebellion, and war had made no change as to the powers that Congress could exercise within the states, be they the states of the Confederacy or the states of the Union. The President's powers were not increased. Therefore his executive orders, his proclamations, his military suspension of habeas corpus, his arbitrary arrests, must all be tested by the terms and restrictions of the Constitution as in time of peace. "The Union as it was, the Constitution as it is," was the maxim of the party. In the view of these constitutionalists, the Union was to be saved only by, through and under the Constitution,—nothing more nor less. They idealized the Constitution. To them the Constitution was identical with the nation. Without it there could be no Union. The Constitution gone, the republic is

¹ Pendleton's Resolutions, July 31, 1861, *Globe*.

dead. The war was for the preservation of the Constitution and for that alone; it was against the Constitution and because it was binding on all, that the Southerners were rebels. These conservatives denounced the anti-slavery advocates as being indifferent as to whether or not their policies were in harmony with the Constitution, and this fact made the hated abolitionists, as they called all anti-slavery men, as guilty criminals as the secessionists themselves.

In the view of this party almost everything that the President or Congress proposed or did, for the effective and vigorous prosecution of the war, was unconstitutional. Confiscation of slave property was unconstitutional; retaining fugitive slaves within our lines was unconstitutional; the military emancipation of Fremont and Hunter was unconstitutional; the use of slaves as *contraband* was unconstitutional; Lincoln's plan of compensated emancipation was unconstitutional; enlistment of negro troops was unconstitutional; abolition of slavery in the District of Columbia was unconstitutional; the prohibition of slavery in the territories (with the Dred Scott decision still unreversed) was unconstitutional; the Emancipation Proclamation was unconstitutional; the draft was unconstitutional; the suspension of the writ of habeas corpus was unconstitutional; military arrests were unconstitutional; suspending, or in any way reinstating state governments in the South under Federal authority was unconstitutional; Lincoln's appointment of military governors and his beginnings of reconstruction were unconstitutional. Almost everything that was done or attempted in the prosecution of the war from

Lincoln's first call for troops to the final scene at Appomattox was denounced as unconstitutional. No exercise of power was constitutional except what was unmistakably granted by a strict construction of the Constitution interpreted as in times of peace. The sacred and revered Constitution was to be the standard for measuring all acts and policies of war. The war had made no difference in the rights and immunities due to the seceded states. The Constitution protected them still. They were not bound by its provisions in the conduct of the war, but their opponents were to be restrained from every aggressive act of power not clearly within its specific limits.

This was a fearful handicap for the national government. Such a policy would have led to a passive and harmless war, almost purely defensive in its operations on the part of the national government. Carried to its logical conclusion, no invasion of the Southern States nor subduing of the Southern people would have been possible under it, and it is very problematical whether the Constitution and the Union could have been saved for the South under its operation. It would have left the government inefficient, if not absolutely helpless in the face of the Rebellion.

To this party, to its constitutional views and to all of its ways, Thaddeus Stevens was diametrically opposed. He was its constant and stout antagonist. He derided these sticklers for the Constitution and denounced them in unsparing terms, speaking of them as "traitors in disguise" or as "sympathizers with the rebels," their "apologists and abettors." Against its advocates he used all his powers of ridicule, satire,

invective, and anathema. He sought not to fondle nor conciliate them nor to sue for their support. He would ride over them and trample them under foot. To him they were merely obstacles to the accomplishment of the great end in view,—the triumph of the Union arms in war. They and he were at the antipodes of the political world, and they were not by any means tender in their words for one another.

In opposition to this theoretical and nerveless constitutionalism, Stevens sought early to establish a legal basis for the conduct of the war that would give the nation a chance to fight, and in the first discussion on slavery and the war¹ he laid down the legal and proper premises for the fighting at hand. He brushed theories aside, looked at the facts and saw them as they were; and he sought a basis of action best calculated to bring the result desired. He took the bold ground that in the contest for its life the nation was not bound by the limitations of the Constitution. The war had abrogated the Constitution, not where it was respected and could be enforced by ordinary civil processes, but with respect to hostile confederated states that had rejected and repudiated the Constitution, trampled it under foot, and were resisting its restoration by organized armies. The people of the Confederate States were public belligerent enemies and the nation in its effort to overcome them was bound only by the laws of war and the law of nations. This was the sum and substance of Stevens' legal position, and it seemed to be dictated by the plain common sense of the situation.

¹ Aug. 2, 1861.

To this principle, of acting toward the South as a belligerent in war, bound only by the laws of war and not by the hampering restrictions of the Constitution, Stevens adhered strictly and consistently throughout the struggle. As a principle of public law for the crisis it was the most reasonable, effective, and consistent position of any public man of his time. It was calculated to free the nation from embarrassment and to give it efficiency in war. The way was open for the application of this principle when Southern belligerency was recognized by the declaration of blockade. Stevens did not approve of President Lincoln's proclamation of April, 1861, declaring the blockade of the Southern ports. He held it to be a mistake. He would have repealed the laws making these ports ports of entry and then there would have been no need of a blockade. A nation has a right to close its own ports, but that is not a blockade. If we had thus closed our own ports, no nation would then have had a right to send vessels there, even though we might not have had a ship of war within a hundred miles. If the Confederate States created ports of entry, foreign nations could not recognize these ports without recognizing the independence of the Confederacy, and that would be a cause of war.

Whether foreign nations would have respected such a policy is doubtful. At any rate, by our blockade and by the acknowledgment of European powers belligerency was recognized and the South had become entitled to all the rights of war. They were also subject to all the rules of war, with no other rights due from their belligerent antagonists than these rules accord

them. *The Constitution had no longer the least effect upon them.* "It is idle to tell me," said Stevens, "that the obligations of an instrument are binding on one party while they are repudiated by the other. Obligations to be binding in war must be mutual, equally acknowledged, and admitted by all parties. There is another principle just as universal:—when parties become belligerent the war between them abrogates all compacts, treaties, and constitutions which may have existed between them before the war commenced."

Such was Stevens' legal basis for the conduct of the war. It was announced in the beginning¹ in response to the argument of George H. Pendleton, of Ohio, that only two alternatives were open,—either the men now in rebellion are public enemies subject to the laws of war or they are citizens of the United States subject to the penalties of the law of the Constitution and likewise entitled to all the benefits and guarantees which that instrument prescribes for every citizen. If we regard them as in one capacity we can not regard them as in the other. We should not hold them to be public enemies for one purpose, that is, to deprive them of the guarantees which the Constitution gives them, and still hold them to be citizens in order to inflict upon them the penalties of treason, which the law prescribes for a citizen. We should choose one or the other of these alternatives, and follow it to its logical and legitimate conclusion. Such was Pendleton's argument.

Stevens did not shrink from the alternatives suggested. He had no scruples over these distinctions in

¹ August 2, 1861.

law. He saw clearly the public law in the case. To his mind the people of the Confederate States were rebels who had incurred the penalties of treason under the Constitution, after the success of the war in subduing them; but during the process of the war for their subjection, they were public enemies outside the pale of the Constitution. The position was clear and logical and Stevens did not hesitate to follow it to its conclusion.

It was a pity that so many men of respectability and standing failed to see the folly and absurdity of attempting to apply the Constitution to the state of war then existing between North and South.

"I thought the time had come," said Stevens, when pleading for the first act of confiscation, "when the laws of war were to govern our action; when constitutions, if they stood in the way of the laws of war in dealing with the enemy, had no right to intervene. Who pleads the Constitution against our proposed action? Who says the Constitution must come in in bar of our action? It is the advocates of rebels who have sought to overthrow the Constitution, who repudiate the Constitution and trample it in the dust. Sir, these rebels, who have disregarded and set at defiance that instrument, are by every rule of municipal and international law, estopped from pleading it against our action. Who, then, is it that comes to us and says, 'You can not do this thing because your Constitution does not permit it'? The Constitution! Our Constitution which you repudiate and trample under foot, forbids it! Sir, it is an absurdity. There must be a party in court to plead it, and that party to be entitled

to plead it in court, must first acknowledge its supremacy or he has no business to be in court at all. I repeat, then, that those who bring in this plea here, in bar of our action, are the advocates of rebels. They are nothing else, whatever they intend. I mean it, of course, in a legal sense. I mean they are acting in the capacity of counselors-at-law for the rebels, speaking for them, not for us who are the plaintiffs in this transaction. I deny that they have any right to plead at all. I deny that they have any standing in court. . . . I deny that they can be permitted to come here and tell us that we must be loyal to the Constitution.”¹

When he was asked how members of Congress who had taken an oath to support the Constitution could violate it in their action, whether rebels complain of it or not, he replied that they do not violate it when they are operating against men who have no rights to the benefits of the Constitution. It was international law, not the law of the Constitution that applied to the war.—“In the midst of arms laws are silent,” a law that has been in force from the days of Cicero; and “any nation that disregards that law is a poor, pusillanimous nation which submits its neck to be struck off by the enemy.”

A member² interposed an objection. “I understand,” he said, “the gentleman to admit that this bill³ is unconstitutional but to defend it and to urge its passage on the ground that during the existence of

¹ *Cong. Globe*, Aug. 2, 1861, p. 414.

² Mr. Mallory, of Kentucky.

³ The Confiscation Act of Aug. 6, 1861.

rebellion Congress has a right to do an unconstitutional act." "I say that it is constitutional," replied Stevens, "and according to the law of nations in time of war. [Laughter.] I admit that if you were in a state of peace you could not confiscate the property of any citizen, but in time of war you have the right to confiscate the property of every rebel. Every measure which will enable you to subdue your enemy and triumph over him is justifiable on your part. If by taking from him every dollar of property which he has on earth you will weaken his hands you are at liberty to fight him in that way."

This is the identical principle that President Lincoln finally adopted in the exercise of his war powers, and which he announced a little more than a year later as the basis of his right to make arbitrary arrests and to suspend the writ of habeas corpus. Lincoln's course in pursuance of this principle, in the matter of arbitrary arrests, may be even more open to criticism and objection than was the attitude of Stevens. The latter did not hold that the Constitution and the laws might be abrogated and disregarded by executive power in the Northern States where the laws could be peaceably enforced without process of arms. There Stevens' war doctrine did not apply. But it applied against those who were making war on the Constitution to overthrow it. In the Rebel States the Constitution, for the period of the war, had ceased to operate, but it was in operation and must be respected where no war had been made upon it.

The confiscation, which he favored from the beginning, followed, not under the Constitution after con-

viction for treason, but by virtue of the laws of war. "No individual crime need be proved against the owners. The fact of being a belligerent enemy carries the forfeiture. This might work a hardship on loyal men in the South. But to escape the condition of enemies they must change their domicile and leave the hostile state."¹

This doctrine that the Constitution, with regard to the states in rebellion, had no binding influence and no application, Stevens maintained on repeated occasions during the war. It was not an utterance expressed in the heat of partisan debate or on the spur of an occasion, but it was his deliberate opinion expressed after a careful examination of the law of the United States and of nations. When a state of war came to be admitted, every obligation previously existing between the government and the rebellious states, "every treaty, compact, contract, or anything else is wholly abrogated and from that moment the belligerents act toward each other according to the laws of war." The following dialogue brings forth clearly Stevens' position:

Mr. Dunlap: "Are not those seceded states still members of this Union, and under the laws of the government?"

Mr. Stevens: "In my opinion they are not."

Mr. Dunlap: "Then I would ask, did the ordinances of secession take them out of the Union?"

Mr. Stevens: "The ordinances of secession, backed by the armed power which made them a belligerent nation, did take them, so far as present

¹ *Cong. Globe*, Jan. 22, 1864.

operations are concerned, from under the laws of the nation."

Mr. Dunlap: "Are they, then, members of the Union?"

Mr. Stevens: "They are not, in my judgment."

Mr. Yeaman: "Does the gentleman hold that the ordinance of secession passed in South Carolina was legal, and under the Constitution of the United States?"

Mr. Stevens: "I hold that it was an act of treason and rebellion."

Mr. Yeaman: "Did the backing up of these ordinances of secession by armed force impart to them any validity?"

Mr. Stevens: "I hold that so long as they remain in force against us as a belligerent power, and until they are conquered, it is in fact an existing operation; I will not say anything about its legality. [Laughter.] I hold that it is an existing *fact* and that so far from enforcing any laws, you have not the power."¹

His opponents sought to restrict him to a *theory* of the Constitution and of the law as if the war had no existence. His mind was too vigorous and assertive for such a straight-jacket. Stevens was guided by the facts. He was a practical statesman, not a doctrinaire particularist. He had the great qualities of the lawyer — not the pettifogging qualities — that enabled him to announce the law that was suitable to the momentous and overruling fact of war, and that made him impatient with questions of law that were purely

¹ *Cong. Globe*, Jan. 8, 1863, Vol. 63, pp. 239-240.

theoretical and abstract. To him it was utterly absurd to say — as it will seem absurd to the ordinary reader to-day — that men in arms might claim the protection of the Constitution and laws that were made for loyal men, while these armed rebels refuse to obey one of those laws or acknowledge their binding effect. He wanted a reciprocity of obligation under the Constitution, or there should be none acknowledged as binding on the part of the national government.

He assumed the same consistent attitude toward the constitutionality of all the anti-slavery measures that arose during the progress of the war. While he was urging emancipation he referred to the claim that the Constitution did not authorize Congress to interfere with slavery in the states. That was true only before the Constitution had been abrogated by the fact of war. But when the Constitution is “repudiated and set at defiance by an armed rebellion too powerful to be quelled by peaceable means, the Constitution itself grants to the President and Congress a supplemental power which it is impossible to define because it must increase and vary according to the necessity of the nation.” If it were necessary as a means of saving the republic, there was power under the Constitution to declare a dictator. Only necessity would justify this fearful power,—to snatch the nation from the jaws of death. But as the safety of the people was the supreme law, rather than that the nation should perish he would use it. “Rather than see the nation dishonored by compromise, concession, and submission; rather than see the Union dissevered I would do it now. Oh, for six months of stern old Jackson!”

It will be seen that Stevens' constitutional position, or extra-constitutional position, was consistent, straightforward, and outspoken. He blinked at nothing, but he always looked the constitutional issue squarely in the face. He made no pretenses and would resort to no subterfuges or forced constructions to justify a course already predetermined. This is seen still more clearly in his attitude toward the admission of West Virginia.

The Constitution clearly provides that no state shall be divided without its consent. When Virginia seceded the people in the western counties of the state, wishing to remain loyal to the Union, assumed to form a state government and choose state officers, and a state legislature. They elected Senators and Representatives to Congress who were admitted to their seats. They claimed to be the people of Virginia, constitutionally competent to give the consent of the state to the formation of a new state within the borders of the "Old Dominion." This people, having given its consent to the division of the old state of Virginia, immediately erected itself into the new state of West Virginia. Nobody consented except those within the limits of the new state. That is, the new state consented to the division of the old, and when the new state had been admitted according to prearrangement, Mr. Pierpont, pretending to be the Governor of the state that pretended to be Virginia, moved over to Alexandria and kept up the pretense of being gubernatorial head of old Virginia,—with an official body that Sumner afterward called the "common council of Alexandria." As Stevens said after the

war, "All the archives, property and effects of the Pierpont government were taken to Richmond in an ambulance." This was the government recognized during the war as the legitimate, constitutional government of Virginia, so bound were public men to constitutional *forms*.

There were distinguished members of Congress who sought to find ground in the Constitution for the recognition of the Pierpont government, and for the process by which Virginia was divided and West Virginia admitted. But to Stevens, the proceedings, and arguments based upon them, were all ridiculous and absurd. He scorned these fine-spun legal fictions and it was not his style to "beat the devil about the bush" in any such way. He was opposed to giving seats in the House to members from Virginia after the secession of that state, a policy that was urged on the plea that the little handful of loyal men left there after secession were the state of Virginia. "We know," he said, "that members have been elected to this House by only twenty votes and those cast under the guns of a fort. To say that those gentlemen represent any district is mere mockery."¹ Much less did they represent a part of an organized state.

Stevens was willing to accomplish the end in view, — the dismemberment of Virginia and the admission of the new state, — the sufficient ground for the act being that it would weaken the enemy and help the national cause. However, he recognized but one legal ground for the proceeding. Some of his colleagues voted against the admission of West Virginia because

¹ *Globe*, Dec. 2, 1861.

they thought its formation was unconstitutional. Others attempted to defend it on constitutional ground. Either position Stevens looked upon as weak and inane in a Union war man. Stevens was ready to vote for the admission of West Virginia because he did not think the Constitution applied to a state in arms against the government of the Union. He was not afraid nor ashamed to ignore the Constitution which the rebels were ignoring, in order to do what was best for his cause and for their defeat.

"We may admit West Virginia," he said, "not by any provisions of the Constitution but under our absolute power which the laws of war give us. I shall vote for this bill upon that theory and that alone; for I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding.

"Sir, it is but mockery, in my judgment, to tell me that the Legislature of Virginia has ever consented to this division. About 200,000 out of 1,250,000 people have held a convention and elected a legislature which has assented to the division. But before all this was done the state had a regular organization and a constitution under which it acted. By a convention of a large majority of the people of that state they changed their constitution and changed their relation to the federal government from that of one of its members to that of secession. This is treason, but so far as the state corporation was concerned, it was a valid act and governed the state. The majority of the people of Virginia was the state of Virginia, although individuals had committed treason. Their legislature which called the seceding convention was

the legislature of the state. The legislature was disloyal and traitorous, but the state as a state was bound by their acts. Not so individuals. They are responsible to the general government, whether the state decrees treason or not. Governor Letcher, elected by a majority of the votes of Virginia, is the Governor of Virginia,—a traitorous Governor of a traitorous state. A small number of the citizens of Virginia—the people in West Virginia— assembled together, disapproved of the acts of Virginia, and with the utmost self-complacency called themselves Virginia. Is it not ridiculous?”¹

This seemed more straightforward than to stretch the Constitution by a forced and fictitious construction while claiming to respect its provisions. To a layman it seemed like better law, better sense, sounder morality and sounder political science.

This view of the character of the state and the effect of secession Stevens maintained consistently on all occasions. It was on this ground that he would apply confiscation, that is, as against enemies in war. If the Rebel States were still in the Union and under the Constitution, as some theorists contended, he saw no reason why they should not elect the next President of the United States. If the rebels decline to vote, then one hundred loyal men who, as his legal opponents contended, still continue to be “the state,” “might meet and choose the state’s share of electors. The few loyal men around Fortress Monroe or Norfolk, or Alexandria, and a few ‘cleansed patches’ in Louisiana, being one thousandth part of the state,

¹ *Cong. Globe*, Dec. 9, 1862.

might choose electors for the whole state." It was such reasoning that seemed to Stevens like a mockery of constitutional law and political science. Will any reputable authority on the political science and the Constitution of the American commonwealth deny the soundness of his position?

"It is idle to say that townships and counties and parishes within such states are at peace while the states by acknowledged majorities have declared for war. It is still more idle to say that individuals within the belligerent territory, because they were opposed to secession and were loyal to the parent government, *are the state*, though only five per cent. of the people, and hence that the "states" are not at war. This is ignoring the fundamental principle of democratic republics, which is that majorities must rule, that the voice of the majority, however abandoned and wicked, is the voice of the state. If the minority choose to stay with the misgoverned territory they are its citizens and subject to its conditions. True, in dealing personally great difference is made between the innocent and the guilty. But how can it be said that the states are not at war?

"The idea that a few loyal citizens are the state and may override and govern the disloyal millions, I am not able to comprehend. If ten men fit to save Sodom can elect a Governor and other state officers against more than a million Sodomites in Virginia, then the democratic doctrine that the majority shall rule is discarded and ignored. Not the quality but the number of votes have the right to govern. In South Carolina a rebel's vote weighs just as much as

a loyal voter's. It is mere mockery to say that, according to any principle of popular government, a tithe of the resident inhabitants of an organized state can change its form and carry on government because they are more holy or loyal." ¹

In an arraignment of Stevens' position, Honorable Francis P. Blair, of Missouri, contended that statehood in the South was indestructible, that the Confederate States were like Missouri whose territory had been overrun by rebel armies but whose state organization, with the majority of votes and coercive power behind it, had remained loyal to the Union. According to Blair the Southern States were merely under duress. All that was necessary was to drive out the rebel power that was holding their governments in restraint, and recognize and sustain the loyal element as the state. This duress had not extinguished the legitimate local sovereignty nor the supreme sovereignty of the general government. Blair claimed that Stevens in recognizing the Southern States as subsisting states, as perfect now as before the Rebellion, and that in regarding the Confederate States as a separate belligerent power carrying on a legitimate war,—in holding this position Blair contended that Stevens had recognized secession as "absolutely and with more distinctness than ever Calhoun had ventured to urge it." "In this position," said Blair, "no man North or South ever asserted the secession cause so boldly in the forum as the gentleman from Pennsylvania," and he asserted that Stevens had treated with scorn the idea that states held in duress by the rebel

¹ *Globe*, Jan. 22, 1864.

power have a right to look to our laws and Constitution for protection. This "secession-abolition-absolute-conquest doctrine," said Blair, was "in defiance of national and state constitutions, the law of the civilized world and of all humanity."

Stevens replied with vigor to Blair, whose speech, he said, "contained the distilled virus of the Copperhead." Blair had made a false statement of Stevens' position. "If the armies of the Confederate States should overrun a loyal state and hold it in duress, that state would have a right to appeal to the Constitution for protection. But a state which by a free majority of its voters has thrown off its allegiance to the Constitution and holds itself in duress by its own armies, is estopped from claiming any protection under the Constitution. To say that such a state is within the pale of the Union so as to claim protection under its constitution and laws is but the raving of a madman."

"To escape the consequence of my argument he [Blair] denies that the Confederate States have been acknowledged as belligerents or have established and maintained independent government *de facto*. Such assurance would deny that there is a sun in heaven. They have a Congress in which eleven states are represented; they have at least 300,000 soldiers in the field; their pickets are almost within sight of Washington. They have ships of war on the ocean destroying hundreds of our ships, and our government and the governments of Europe acknowledge and treat them as privateers, not as pirates. There is no reasoning against such impudent denials.

"But it is said the Constitution does not allow them

to go out of the Union. True, and in going out they committed a crime for which we are now warring against them. The law forbids a man to rob or murder, yet robbery and murder exist *de facto*. Blair had said that those who declare the states outlawed to the Union preach the doctrine of secession as much as Jefferson Davis. Does the man," asked Stevens, "who declares that murder and larceny exist give countenance to those crimes? The one is as reasonable as the other. If the fiction of equity courts that whatever ought to be shall be considered as existing,—if this is true, then the rebel states are in the Union. If the naked facts, palpable to every eye, attested by many a bloody battle-field, and recorded by every day's hostile legislation, both in Washington and Richmond, are to prevail, then the rebellious states are no more in the Union, in fact, than the loyal states are in the Confederate States. Nor should they ever be treated so until they repent and are rebaptized into the national Union."¹

The seceded states had, *de facto*, committed the crime of secession. That no one could deny. They, therefore, stood in that attitude as outlaws and aliens from the protection of the Constitution. They were a belligerent, occupying the position of a foreign nation, as far as their rights under the Constitution were concerned. But, when conquered, they would be in a worse condition than a foreign nation, since they were traitors to their government, and, as such, they must be pursued and punished to their utter subjugation.²

¹ *Globe*, May 2, 1864, p. 2042.

² Stevens' critics sought to make it appear that his position

Such was Stevens' constitutional position in the conduct of the war. This position he assumed at the start when he was called on to meet the problem of war, and he maintained it to the close when he had to meet the problem of reconstruction. In maintaining his ground he never wavered nor doubted; and, year by year, he had the satisfaction of seeing his party advancing steadily to his position. On May 2, 1864, Stevens congratulated the country that the House had recently passed a resolution recognizing that "the war had been brought on by a wicked and wholly unjustifiable rebellion, and those engaged in aiding or encouraging it *are public enemies and should be treated as such.*" In this the House had asserted the fundamental principle for which Stevens had contended. The consequences which he sought to establish would follow as a corollary.

Stevens knew full well that, in voicing the doctrine that the Constitution was suspended by the fact of war, he had not been all the while speaking the sentiment of his party or of the administration. His position had been too radical for his party. But Stevens was satisfied to go ahead and point out the way. He was content and brave enough to stand out boldly and alone

was similar to that of those who were so friendly to the South that they would recognize the Confederacy as an independent power, *de jure*; that, as Stevens expressed it, "these states be permitted to remain a *de facto* secession power without punishment; that this government should extend to them the right hand of fellowship in the shape of negotiation, withdraw its armies and allow them to maintain the attitude which, through their great crime, they had acquired." *Globe*, April 11, 1864, p. 1534. It is needless to say that it was only by the pretenses of partisanship that attempt could be made to assimilate these two positions. They were as wide apart as the poles.

for a doctrine which, as he believed, was the only sound and consistent position on which the war could be successfully conducted, and which, as he predicted, his colleagues and colaborers for the Union would, in time, find it necessary to adopt. He now had the grim satisfaction of seeing this very thing come about, and he might very properly and reasonably have recalled his personal vaunt of the year before when he reminded his party associates that he had been merely going a few steps ahead of them in this matter.

"But," he said, "I have never been so far ahead, with the exception of the principles I now enunciate, but that the members of the party have overtaken me and gone ahead; and they will overtake me again and go with me before this infamous and bloody rebellion is ended. They will find that they can not execute the Constitution in the seceding states: that it is a total nullity there, and that this war must be carried on upon principles wholly independent of it. They will come to the conclusion that the adoption of the measures I advocated at the outset of the war (the arming of the negroes) is the only way left on earth in which these rebels can be exterminated. I do not now ask gentlemen to endorse my views, nor do I speak for anybody but myself; but in order that I may have some credit for sagacity I ask that gentlemen will write this down in their memories. It will not be two years before they call it up, or before they will adopt my views, or adopt the other alternative of a disgraceful submission by this side of the country."¹

Stevens was right. Congress and the country had adopted his views. The object of the war was to subdue the Rebellion. Whatever means the nation deemed wise and effective in promoting that end were

¹ *Globe*, May 2, 1864.

justifiable, if they were not contrary to the laws of war and of humanity. This was the sum total of Stevens' teaching on the government's power in war.

A writer in the *London Times*¹ held that all the acts of President Lincoln, in suspending the habeas corpus, in committing arbitrary arrests, in emancipating the slaves, in declaring a blockade of Southern ports — all these acts, and many others, in letter and in spirit, were excusable on one ground alone, ground which the Democrats rejected and which the Republicans were not bold enough to stand upon, namely, "that the states of the South were an alien enemy and that those citizens within the jurisdiction of the United States who aid and abet them are amenable to the customs and usages of all governments toward treasonable subjects."

It would have been only fair in this writer to admit that there was at least *one* Republican leader who was bold enough to occupy that ground, the ground on which alone the war powers exercised by President Lincoln are to be defended and justified. That advanced leader was Stevens. He saw clearly, from the outbreak of the war, the weakness and the fallacy of the assumption put forward by certain legalists and doctrinaire constitutionalists that the Constitution was the criterion by which to conduct the war. He saw how utterly vain it was to try to reconcile the uses of martial law with the principles of the Constitution.

It is difficult to understand how rational men prompted by patriotic motives could hold to the doctrine announced by the Peace Democrats, namely,

¹ November 13, 1862.

that the nation could use no powers in the war except those specifically enumerated in the Constitution. It was the height of absurdity. Either such men were arrant fools or they were unwilling to see the Union preserved by war. Certain it is, that the application of their doctrine would have made it impossible to prosecute the war with any effect, and the burden of evidence tends to prove that that was what they really desired.

On the other hand, the doctrine of Stevens gave the nation fighting strength and renewed life, and it came to be the doctrine of all who were really desirous of prosecuting the war in earnest. The doctrine was that the Southern States in the war were outside the pale of the Constitution from first to last. Neither combatant in the struggle, in its conduct toward the other, was bound by its restrictions. The Constitution could not operate in the rebel states. Yet the acts authorized by martial law were not to be regarded as unconstitutional. The Constitution recognized martial law and all the laws of war, but the laws of war never operate while the Constitution and municipal laws prevail. Nor do the Constitution and civil laws operate when the laws of war prevail. The Constitution calls for the laws of war and leads them forth to take its place when and where it can no longer maintain its power; then it retires and leaves the theater of war to the laws of nations. They are exclusive in their empire. There can be no mixed reign of the laws of war and of the Constitution.¹

While this doctrine was finally accepted for war

¹ Speech of Stevens in Lancaster, Pennsylvania, 1863.

purposes by all wings of the war party who were sincerely desirous of seeing the war successful, yet, with strange inconsistency and lack of boldness, when it came to a question of amending the Constitution or of reconstructing the Union, an effort, or pretense, was made to apply the Constitution in states where secession and war had abrogated it and made it a nullity. I do not refer to the laudable effort to restore the Constitution to local state governments wherein war had stricken it down; but to the pretense that it was in force where, by reason of actual conditions, it could not be enforced. Lincoln and many of the Union party seemed strangely possessed with the idea that with reference to certain civil and constitutional rights and privileges, the states that were at war with the Union were to be treated as if secession and war had not occurred. They proposed still to regard the states of the Confederacy as states of the Union. They were to be like all the other states for voting purposes when it came to the fundamental act of remodeling the organic law of the nation. If this premise were to be conceded, that the Constitution was in force everywhere and in all respects just as if war had not occurred, then there was no way to break the force of the argument of the Peace Democrats voiced by Pendleton. There were thirty-five states. Twenty-seven were necessary to ratify the liberty amendment. There were nineteen Free States. "Suppose," asked Pendleton, "you get them all,—where do you get the others? Count, also, Maryland, Missouri, West Virginia, even Delaware, and you have but twenty-three. Where do you get the other four? If you

intend to make up this number by the addition of new states you will have to add sixteen, three-fourths of which, twelve, will be the proper proportion for the number added. Will the gentlemen call on the Southern States to furnish the requisite number? There the military authorities were already well ashamed of the farce enacted a short time since and were about to get rid of the pretense of a government which a little while ago had been set up. If these states are to vote in their present condition it would be a broad farce if it were not a wicked fraud."

It was exactly so. It partook of the nature both of a farce and a fraud to regard the states of the belligerent Confederacy as constitutional states of the Union. Yet those who were responsible for the conduct of the government were so wedded to this mischievous abstraction; they consented to be so handicapped by this useless and embarrassing theory, that they would not consent to proclaim liberty throughout the land to all the inhabitants thereof without acting as if it were first necessary to the validity of the amendment to obtain the consent of a number of the Confederate States, the same as if they had never broken with the Union and made war on the Constitution. Their process was but an empty form. The Confederate States necessary to the amendment were to be made to act under pretended civil governments set up and entirely supported, if not directed, by the military arm of the national power.¹

¹ The eight Confederate States that were finally counted for the ratification of the amendment were the presidential states that were set up by the military power of Lincoln and Johnson.

Furthermore in order to secure the necessary twenty-seven states a new state had to be admitted to the Union for the express purpose of ratifying the amendment. Nevada was admitted for no other reason, a state which, even after the lapse of half a century, has not, and may never have, one-fourth of the population deemed essential to statehood. And this unnecessary admission of a "rotten borough," with a power in the United States Senate equal to that of the most populous state, was brought about only by recourse to a most questionable political morality, namely, the purchase of congressional support by official patronage. Mr. Charles A. Dana, the distinguished journalist, is authority for the statement that President Lincoln authorized the offer of twenty thousand dollars (or patronage to that amount), to a Democratic Congressman, to secure his vote for the bill admitting Nevada, so anxious was the President to promote the passage and ratification of the thirteenth amendment.¹

No one supposes that Stevens was more scrupulous than Lincoln in the employment of means to reach his end. But his doctrine on the war and the Constitution obviated the alleged necessity of a resort to such embarrassing, not to say immoral, indirection. It enabled him to go more directly and more honestly to his end. How much simpler and easier, how much sounder in common sense, law, and political morality was Stevens' method of bringing about the adoption of the thirteenth amendment! Indeed, it may be said that there was no answer to the constitutional doctrine

¹ Chas. A. Dana, *Recollections of the Civil War*, pp. 175-178.

of Pendleton except the answer of Stevens. But Stevens' answer was convincing and sufficient. It was that the Constitution was not in force for those states that had consented to its overthrow; that the states that had rejected the Constitution and were making war upon it were no part of the amending power. There was not the slightest obligation to consult them in determining the organic law of the nation,—there was no more reason for consulting them than for consulting the states of the German Empire. Though the national authority might rightfully be asserted over them, yet from the point of view of their rights and privileges or of their powers in the Union, they were non-existent as states. They ought not to have been consulted, and three-fourths of the states then loyal to the Union and represented in Congress were sufficient to ratify and legalize the new amendment.

If that doctrine had been assented to in the first place the way out in rebuilding the Union and the Constitution would have been easy and direct.

Better than any other man of his time, Thaddeus Stevens saw the proper relation of the war to this contention about the Constitution. Toward those who forced, or accepted, the gage of battle and who appealed to the issue of war, the law and fate of war should have been applied. Their civil and political rights guaranteed by the Constitution no longer existed. It was a simple and natural conclusion, and Stevens was determined that the Constitution should not be appealed to, as some sought continually to do, merely to embarrass, to obstruct, and to defeat the successful prosecution of the war.

But the ordinary minds in Congress were so conventional, so unoriginal, so bound by conservatism and tradition, that they could not break away from the "Constitution and the Union" as they had always known them in years gone by. A statesman is governed by his circumstances, and the mighty changes that had come in the circumstances of the states, which smaller men were unwilling to take note of, were the controlling and decisive factor in the mind of Stevens. He was a leader in a revolutionary period where men of boldness were needed to lead against prevailing opinions that brought the people to a supine and helpless constitutionalism. His disregard of the Constitution was a statesmanlike and noble contempt for the restrictions of a parchment that stood in the way of his country's realizing its highest moral ideals,—liberty, equality, union. He was dealing with living forces and facts, not with abstract questions of law or speculative constitutional phrases. The nation could neither go back to the old paths nor stand still amid the dangers confronting it, and in such a crisis it was the part of a real leader to press forward without regard to squeamish scruples about the Constitution. The Constitution was a means, not an end, and Stevens was large enough and bold enough to put the Constitution in its place, and to keep it from being lugged in out of place by a set of sentimental theorizers whose leadership would have brought the nation to impotency and defeat. He rightly insisted that the Constitution be kept out of the way of the nation in its struggle at arms for the national life. Whether the Union came to a dictatorship or the rebels were brought to exile and

extermination, he would stand to the end for the life of the nation in the triumph of the Union, and to him, in the conduct of the war, the Constitution was but a lifeless and worthless parchment until the issue of war was determined.

But for such men in times of great political crises there would be no political triumphs and achievements worth commemorating in history. It was in real nobleness of soul that he could say, a year before the struggle ended and before Congress and the country were ready to accept the immortal amendment that guaranteed freedom to all beneath the flag, "I have lived to see the triumph of principles which, although I had full faith in their ultimate success, I did not expect to witness. If Providence will spare me a little longer, until this government shall be so reconstructed that the foot of a slave can never again tread upon the soil of the republic, I shall be content to accept any lot that may await me." ¹

¹ *Globe*, May 2, 1864.

CHAPTER XI

WAYS AND MEANS IN THE WAR; THE GREENBACK

WHEN Lincoln as President-elect was engaged in making up his Cabinet, Stevens was prominently considered for the position of Attorney-General. Simon Cameron, also of Pennsylvania, was a candidate for a Cabinet appointment, and when Lincoln invited Cameron to the head of the War Department, Stevens' ambition was disappointed. Stevens was not pleased at being set aside for a man with whom he was not friendly, and he indulged in some caustic criticism of the Cabinet, by saying that it was composed of "an assortment of rivals whom the President appointed from courtesy, one stump-speaker from Indiana, and two representatives of the Blair family."¹

Stevens was destined to play a larger rôle in the course of the war than he would have done as Attorney-General. On July 4, 1861, the new Congress (the Thirty-seventh) met in extraordinary session at the call of President Lincoln. Stevens became the recognized leader of the House on the floor, as Chairman of the Committee on Ways and Means. This committee then performed the combined functions now belonging to the two most important committees of the House, the Committee on Ways and Means and the Commit-

¹ Blaine's *Twenty Years in Congress*, Vol. I, p. 286.

tee on Appropriations. On this committee rested the burdens and duties of providing the funds for carrying on the war and of appropriating these funds to the various needs. To it were referred all measures of public finance, all appropriations for the army and navy and for all departments of the government, all tax bills, all loan bills, all coinage bills. No greater task ever devolved on a Committee of the House. It embraced some of the weightiest considerations ever brought into discussion within the councils of the government, including matters of great moment and peril in the crisis through which the country was passing, for it was quite true that the problem of success in the war was a problem of money.

The financial history of the Civil War is a subject so large that only its prominent features can be considered here. It divides itself for the most part into four heads,—taxation, loans, currency, and banking.

Taxation and banking may be left on one side for the present, for the sake of continuity of attention to the important and greatly controverted subjects of loans and currency.

It is doubtful whether in the history of any people, a national debt was ever contracted so rapidly as was that of the United States during the Civil War. On July, 1, 1860, a few months before secession began, the debt of the United States was about \$64,000,000, two years later it was \$524,000,000; within three years it was \$1,100,000,000; within four years (July 1, 1864) it was \$1,800,000,000, while by August 31, 1865, the national debt of the United States stood at the enormous aggregate of \$2,845,000,000. The

cost of the war was scarcely at any time under \$30,000,000 a month; at times it was as high as \$90,000,000 a month, and on the average for the four years of the war it was \$60,000,000 a month, or \$2,000,000 a day. The expenditures of the government during the fiscal years 1863 to 1865 were more than the entire expenditures of the national government from the foundation of the nation to the outbreak of the Civil War. In the space of four years it was necessary for the government to increase its revenue by loans and taxes from \$65,000,000 to \$960,000,000, from 2 per cent. of the gross product of the nation to 26 per cent. of that product.¹ During the last year of the war the government raised more than \$1,000,000,000, half by loans and half by taxes, "one of the greatest achievements in finance that history records."² By July 1, 1865, the treasury had raised in war loans \$2,000,000,000 more than the national treasury had ever received from loans and revenues combined in all the previous years of its history. By the end of the war the annual interest charge on the national debt for which provision had to be made in annual revenue, had reached the enormous sum of \$150,000,000, an annual burden of interest payment that was almost twice as large as the whole original debt of the nation, a burden that had almost staggered America and caused threats of repudiation when Alexander Hamilton was called on to grapple with the problem of establishing the public credit.

These figures and comparisons may serve to give one

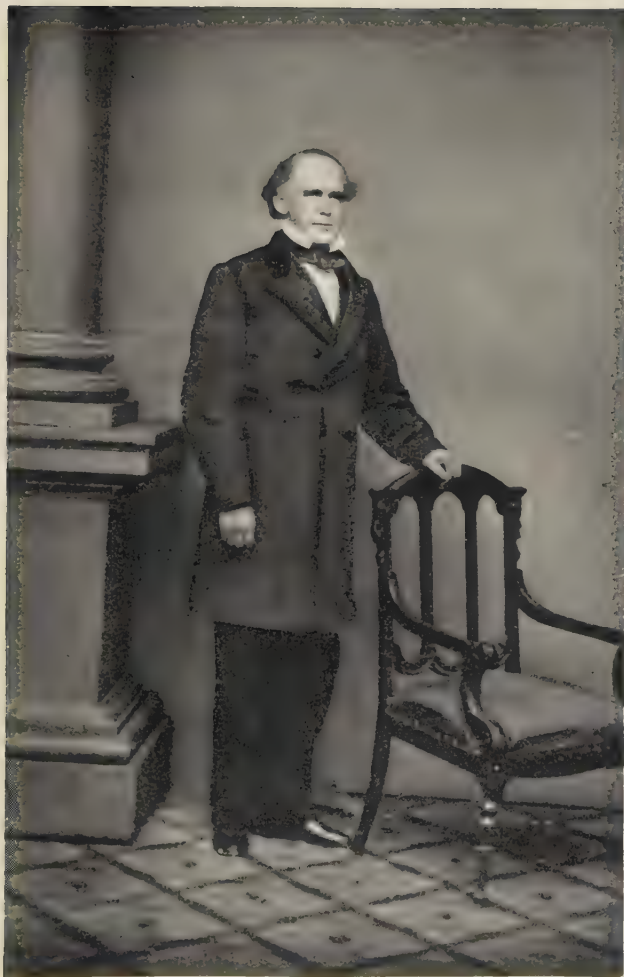
¹ Adams, D. C., *Public Finance*, p. 535.

² E. H. Derby, *Atlantic Monthly*, Oct. 1868.

some idea of the stupendous character of our civil conflict and of the fiscal problems of Congress in this period. Such financial burdens had never been heard of or dreamed of before. Men were altogether unused to thinking in such terms or facing such trials of the national faith. If the burdens had been foreseen at the beginning of the conflict, the prospect might have appalled the stoutest heart.

At the opening of the struggle, July 4, 1861, Secretary Chase submitted his financial plan. Lincoln's administration inherited an empty treasury and an impaired credit. When, during the closing years of Buchanan's administration, the United States was compelled to borrow to meet an approaching deficit, its securities were bought in the market at eighty-nine cents on the dollar. When Congress met in extra session there was not money enough in the treasury to pay members for their services.

In submitting his financial plan to Congress in July, 1861, Secretary Chase stated that the financial problem to be solved was "that of apportioning loans and taxes in a proper manner." This proposition was sound enough, but the prime financial mistake of the war came here at the outset in not starting in with positive and ample measures of taxation. Credit is based on revenue, and it is one of the maxims of public finance that the increased use of credit in meeting war emergencies should always be accompanied by correspondingly increased taxation. Chase proposed to raise from taxes only enough to pay the interest on the public debt and the ordinary expenses of the government in time of peace. No war taxes were proposed; the extra



FROM THE COLLECTION OF ROBERT COSTER

SALMON P. CHASE, 1808-1873.
Secretary of the Treasury, 1861-1864.

expenses of the war were to be met by loans. Thus, the government started out to rely on borrowing to provide ways and means of waging war. Secretary Chase estimated that \$320,000,000 would be needed for the ensuing fiscal year, only \$80,000,000 of which was to be provided by taxation, merely enough for the peace expenses and the interest on the increasing loans. On July 17th, Stevens' committee reported a loan bill authorizing the Secretary to use the credit of the government in borrowing \$250,000,000, and his bill passed the House without more than an hour's consideration, so prompt and ready were the representatives of the people to respond to the call of the treasury and to furnish the sinews of war.

Secretary Chase appealed to the associated banks of New York, Boston, and Philadelphia for loans. A loan arrangement was speedily effected by which the banks were to advance to the treasury \$50,000,000 immediately in exchange for treasury notes bearing 7.3 per cent. interest, running for three years. The banks were given the option of taking a second \$50,000,000 of the loan by October 15th and a third fifty by December 15th. When the loan was arranged for, the banks had a specie reserve of only \$63,000,000, barely enough to meet the first instalment. They hoped to replenish their coin reserve by selling to the public the government securities for cash and by the government's disbursements for war supplies. It was supposed that the coin restored to the channels of trade by government payments would flow naturally and steadily back into the banks. The public should buy the treasury notes through the banks, the government

should keep paying out specie from the subtreasury, and the people should keep on depositing their coin in the banks. If this chain worked smoothly and the banks could collect specie as rapidly as they paid it over to the government, they could continue to supply the treasury indefinitely with funds. This was the plan, but if a link in the operation broke, if for any reason the coin did not return to the banks, suspension of specie payments would be inevitable, and the Secretary's loan policy would collapse.

The scheme rested on mutual confidence among the people, the banks, and the government. If distrust set in; or if the burden of demand from increasing debt and credit mounted too suddenly and too high to be sustained on the narrow basis of the little specie that was in the country; if the government failed to pursue a policy in the interest of the banks; or if the banks doubted, or sought to discount, the guarantees of the government,—failure of the plan was certain to follow. When the banks came to take the third loan instalment of \$50,000,000 and the Secretary had to substitute for short time treasury notes 6 per cent. bonds at a discount of more than 10 per cent., realizing less than \$45,000,000 on the \$50,000,000 loan, ultimate failure of the plan should have been apparent. Confidence was waning, seemingly on the part of the banks, and with waning confidence in public credit it was only a question of time when specie payment would have to be suspended.

Critics of Secretary Chase have charged him with raising the first obstacle to the maintenance of this circle of specie payments because of his strict interpre-

tation of the law of August 5, 1861, amending the Loan Act of July 17th. This law, it is claimed, was intended to relax the subtreasury system by permitting the Secretary to deposit the money obtained on the loans "in solvent specie-paying banks," instead of withdrawing the whole amount of the loan from the banks to be locked up in the subtreasury. The banks desired the Secretary to permit them to credit the United States with a deposit equal to the amount of their loan, against which the treasury might draw as it had occasion. But Secretary Chase thought that the law required him not to leave the government specie with the banks and accept bank bills or book credit instead. In addition to this embarrassment to the banks, the Secretary used demand notes in making public payments. Fifty million of these notes had been issued and they were receivable for public dues, and they, therefore, never depreciated. Since these notes were in circulation the banks would receive less gold in deposits, having to receive to a certain extent the demand notes instead, and thus they would be less able to keep their loan agreement with the government.

The real causes of the outcome are not difficult to see. One was the fact that in his first annual report in December, 1861, Secretary Chase still failed to propose adequate war taxation. That important policy, so necessary to the maintenance of the public credit in the face of increasing obligations, was neglected. The Secretary still seemed to be under the delusion that the war would end before the lapse of another year and that temporary provisions and makeshifts might be relied upon. In addition to this the Trent

Affair had produced a serious situation in our foreign relations, and war was threatened with England. The formidable character of the Rebellion was apparent to wise observers, and both at home and abroad the war situation was alarming. The effect of the increased uncertainty and scare upon the sensitive financial nerve of the country became quickly apparent. The banks could not sell the government securities, on a declining public credit, which they held in large quantities, except at a sacrifice; the public not only failed to deposit its coin in the banks, but began a positive and alarming withdrawal of deposits; and the specie reserve in the banks dwindled at the rate of nearly a million a day.¹

It was all outgo and no income. The inevitable result followed,—an event of prime importance in the financial history of the war—namely, the suspension of specie payments by the banks, on December 30, 1861. The government, too, as a matter of course, suspended coin payments. The financial prop had given way and by January 1, 1862, the fiscal system established between the treasury and the banks had collapsed and Secretary Chase was at a loss what to do or in what direction to turn in the crisis. It is doubtful if any minister of finance ever faced a graver dilemma.²

¹ The coin reserve in the banks fell from \$50,000,000 to \$43,000,000 from December 14th to 28th.

² The holders of the "convertible bank currency," which the banks had been so accustomed to applaud, could not now get the gold which they had deposited and which of right belonged to them. Nor could the government get the gold, according to the arrangement previously made with the banks, for then, as Mr. James Gallatin, one of their leading spokesmen, said, it would all "be expended and hoarded by a few people." So the banks coolly kept the gold in their vaults. See address of James

The situation came about, not for the trivial reasons alleged by the critics of Secretary Chase; that is, not because of minor errors or incidental rulings of the Secretary, but rather because of unexpected military reverses, foreign complications, appalling increase in expenditures, and grave doubt as to the outcome of the war. Even failure to resort to adequate taxation, serious as the error was, was a minor circumstance in causing diminished confidence in public securities, in the face of the expenses, failures, disasters and uncertainties of the war.

In the financial crisis that faced the country in January, 1862, there was need of bold and intelligent leadership. The Secretary of the Treasury had not been trained to grapple with the problems that now confronted him. The stupendous nature of the task was enough to cause dismay. Still under the delusion that the war would last but a few more months, Chase preferred to rely on short loans at a high rate rather than resort to heavy taxes, which he thought would be sure to excite popular discontent. He had calculated that the meager increase of taxes that he proposed would produce \$90,000,000, but now his revised estimate of expenditures called for \$214,000,000 more than he had estimated six months before, and to meet the pressing need he urged another immediate loan of \$200,000,000.

The Secretary, thus facing a deficit of \$214,000,000, had also to reckon with the need of the coming year, estimated at \$475,000,000. Gold and silver were no longer money. They were out of circulation and could

Gallatin, *Bankers' Magazine*, February, 1862, cited in *The Currency Question*, by George B. Butler, New York, 1864.

not be depended on as currency. They were commodities of trade, articles of export and import. The country was without a national currency. The only currency of the country was the uncertain, vacillating, and discredited currency of the state banks. These banks could not pay coin on their paper. The hoarding of the precious metals, or the export of them in the course of foreign exchanges, had utterly destroyed the state bank currency for government uses,—it being illegal, as a matter of fact, for the government to receive them. There was confusion in business exchanges; war demands against the government were mounting up to more than \$2,000,000 a day; the treasury resources were exhausted; and the government in the midst of bankruptcy stood in immediate need of immense sums of money. Claims were instantly pressing, and if they could not be met the firms that had furnished supplies could furnish no more, while the soldiers and sailors in the service had gone unpaid until their forbearance could no longer be expected. The country was facing a condition of affairs of which it may reasonably be said that none more perilous ever confronted a nation.

In this period of great financial need it may be fairly said of the public men of the time, as Fessenden said in the Senate, that “nobody knew much about the question of finance.”¹

¹ Francis Fessenden, *Life of William Pitt Fessenden*, Vol. I, p. 195. Fessenden said in the Senate: “I declare here to-day, that in the whole number of learned financial men that I have consulted, I never have found any two of them who agree; and therefore it is hardly worth while for us to plead any very remarkable degree of ignorance when nobody is competent to instruct us; and yet such is the fact. I can state to you, Mr.

It is not strange that in such a time leadership fell into the hands of men, who, if less discreet and less trained in finance than the times called for, were at any rate bold, patriotic, honest, straightforward, and aggressive in action.

Stevens and his committee, with the Finance Committee of the Senate headed by Fessenden, now took the lead in directing the financial policy of the country. Stevens recognized, as he said in the debates that followed, that he was "but poorly qualified for anything of the kind." He and his colleagues came nowhere near infallibility. But they gave anxious and patriotic consideration to the situation, and taking counsel from those whom they believed best qualified to advise, they acted up to the best light they had. Facing a necessitous situation that would not permit of delay, they resolved upon a policy that marks a turning point and has become the most notable landmark in American financial history. This policy resulted not in what Stevens wanted and sought strenuously to obtain, but in a complex result that was a composite, or compromise, between conflicting interests and forces. This compromise outcome was the famous Legal Tender

President, that on one day I was advised very strongly by a leading financial man at all events to oppose this legal tender clause; he exclaimed against it with all the bitterness in the world. On the very same day I received a note from a friend of his telling me that we could not get along without it. I showed it to him and he expressed his utter surprise. He went home and next day telegraphed to me that he had changed his mind, and now thought it was absolutely necessary; and his friend who wrote to me wrote again that he had changed his [laughter], and they were two of the most eminent financial men in the country." *Globe*, Feb. 12, 1862, p. 766. Such were the opinions of the "financial experts" by whom Stevens and his committee were expected to be directed.

Act of February 25, 1862, authorizing a loan of \$500,000,000 of 6 per cent. twenty-year bonds known as the "Five Twenties," due in twenty years and payable in five, and providing for the issue of \$150,000,000 of treasury notes commonly called "greenbacks," the notes to be exchangeable for the bonds and made a legal tender for all debts public and private, except customs dues and interest on the public debt.

No piece of legislation in American history has ever aroused more enduring controversy, and after the lapse of more than a generation, honest and intelligent men are still in conflict of opinion as to its merits.

The facts in the origin of this important measure may be summarized briefly.

Mr. Chase in his December report, with the idea of making it easier to borrow, suggested a national banking system requiring all banks to purchase United States stocks to hold as security for their circulating notes.¹ Out of this proposal came our national banking system two years later. Such heavy labors were coming upon the Ways and Means Committee in charge of this report, that a division of labor was resorted to. Mr. Stevens, the chairman of the committee, gave his chief attention to the preparation and pushing of the great and numerous appropriation bills which required a great expenditure of time and energy; Justin S. Morrill, of Vermont, father of the war tariff,

¹ This plan was probably inspired by Eleazar Lord's letter to Secretary Chase in November, 1861, though the *essential virtue* of Lord's plan for a national currency was eliminated,—namely, that the notes to be issued by the banks should be full legal tender for all debts, public and private, and that the so-called specie basis should be abandoned. The notes were to be *exclusive* and *inconvertible*.

became chairman of a subcommittee, whose duty it was to frame war taxation; while Elbridge G. Spaulding, of New York, was chairman of a subcommittee assigned to consider matters of currency and loans. To the latter subcommittee Secretary Chase's currency scheme was submitted. Samuel Hooper, a retired and wealthy merchant of Boston, and Erastus Corning, a New York millionaire Democratic opponent of the war administration, were Spaulding's coworkers on this committee. These three men took up the Secretary's plan and began to draft a bill for a national currency to be secured by government bonds.

When, on December 28, 1861, the New York banks suspended specie payments, gold was withdrawn from circulation and the country, as we have noticed, was left with no other currency than the notes of suspended banks,—notes issued by sixteen hundred different institutions and varying widely in value. Was it possible for the government to rely on such a currency as that, or to authorize its use by the people? Under the subtreasury law, as has been indicated, these notes could not be legally accepted and paid out by the federal treasury. It was known that the new national banking system would meet with stout opposition from friends of the state banks, and, at best, it would not be matured and put into operation for months and perhaps for more than a year to come. Adequate tax bills could not be passed and begin to produce revenues for an equal length of time, and internal taxes could not be collected at all until the government furnished an adequate legal currency in which they could be paid.

To Stevens and his committee the issue seemed

clear: Shall the government *break* and the war stop, or shall the nation declare its independence of specie, rely upon its credit and its own resources, and issue its notes to be used as currency? "A delay," says Mr. Spaulding, "would have been fatal to the Union cause," and accordingly he changed the legal tender section, intended originally to accompany the bank bill, into a separate bill, and on his own motion he introduced it into the House, December 30, 1861.

The bill was referred to the full committee, whose members were about equally divided in opinion upon its merits. Spaulding and Hooper favored the bill. Morrill, of Vermont, Horton, Democrat, of Ohio, and Corning, of New York, were decided in their opposition. Stevens at first doubted the constitutionality of the legal tender clause,—a strange doubt for a man of his habits and temper. But he soon overcame his scruples and decided to support the bill. The bill had a narrow escape from defeat in the committee, but a wavering member came to its support and consented to allow the bill to come before the House for consideration, January 7, 1862.

The measure was regarded, according to its advocates, as a matter of necessity, not of choice. It was expected that the government would be out of means to pay its daily expenses in thirty days. A hundred million dollars were necessary within the next three months or the government must stop payment, and the committee saw no way to get along till the tax bills could be got ready except by a temporary issue of these treasury notes.¹

¹ Spaulding, *History of the Legal Tender Paper Money*, pp. 17, 18. Mitchell, W. C., *History of the Greenbacks*, p. 47.

It was clear to all that government notes of some kind had to be issued, and the question arose as to whether they should be short time interest-bearing notes offered for investments, or non-interest-bearing notes that could be used by the government and the people for all the purposes of money. The latter policy was decided upon by Stevens and his committee.

This policy was in harmony with the recommendations of the Secretary of the Treasury, who was now urging haste in its adoption. Mr. Chase was most reluctant to accept the provision making United States notes a legal tender, and he anxiously wished to avoid the necessity for such legislation. He, however, regarded it as "impossible in consequence of the large expenditures entailed by the war and the suspension of the banks, to procure sufficient coin for disbursements"; and he gave it as his opinion that it had "become indispensably necessary that we should resort to the issue of United States notes." Chase urged that all discrimination should be prevented in the legal tender provision and that "all citizens in this respect should be put upon the same level, both of rights and duties."¹

Though Chase came with reluctance to this conclusion, he came to it with decision, and he gave the great weight of his influence to the support of the Legal Tender Bill. Whatever his scruples were as to the constitutionality of the measure, he yielded these to what he considered the pressure of the necessities

¹ Chase, Letter to Ways and Means Committee, cited in Sherman's *Recollections*, p. 220.

of the treasury, and he expressed no dissent on that point until as Chief Justice he gave a decision adverse to the greenback legislation.¹

In the conflict of proposals and opinions produced by the money crisis of 1862, it appears that there were substantially two alternatives open to the government.

It could issue interest-bearing bonds and notes, go into the market with these securities and sell them for what they would bring in gold; and thus, in the way that was usual for governments, borrow money and pay the nation's obligations. This should be accompanied with adequate taxation which would give the assurance that the treasury would have ample revenue to meet accruing interest upon its loans, and, in consequence, lead to the sale of the government securities on better terms. It was contended then, as it has been ever since, that this would be the safe, honest, businesslike way, and in the end the most economical. In the opinion of the advocates of this plan it was the only *honest* way, the way that all tradition pointed out. At any rate, it was the way in which money lenders and bankers were accustomed to have governments proceed. It was in harmony with the standard maxim of the so-called classical writers on public finance, who assert that only *coin* can be *real* money and that there are but two ways for governments to obtain it,—one is to take by taxation, and the other to borrow upon its notes and bonds.

This plan involved the conduct of the war and all the business of the country upon a specie basis. No

¹ In *Hepburn vs. Griswold*.

matter at what a ruinous price the government was compelled to sell its bonds, it was contended that the gold could be obtained, if not in Wall Street and through the associated banks in America, then on Lombard Street or through the gold dealers in Europe. The national honor and good faith, it was contended, required this policy. To resort to paper money would be to violate the obligation of all contracts, cheat creditors, increase prices, disarrange all business and multiply the cost of the war.

Those who proposed and defended this plan were not at all able to show that a sufficient quantity of gold would have been forthcoming. It was held that if the treasury should demand the gold and offer its bonds on sufficient terms, the demand would beget the supply. If this did not come immediately, then the consequences must follow: government must make a higher bid — offer its bonds at a lower rate — and wait till the supply came. Whether it would finally come no one knew. At this time of dire emergency, when the life of the nation was assailed, if the government needed \$2,000,000,000, let it offer its bonds for what they would bring and trust that a sufficient supply of gold would flow into the treasury. No device, expedient, or legislation of the government should attempt to interfere with the “laws of trade”; that is, with the “natural operation of the specie standard.”¹

Whether this would have been possible in the face

¹I am indebted in this discussion to a pamphlet on “A National Currency,” by Eleazar Lord, published by A. D. F. Randolph, New York, 1863.

of mounting debts and expenses of the war is, at best, only a matter of speculation. Upon that financial authorities are by no means agreed. The burden of argument in that day, and of expert financial opinion since, appears to favor the view that it would have been impossible; that an increase of the currency by some means was an absolute necessity. Gold writers have never successfully dealt with the stubborn fact that the quantity of coin was wholly inadequate to the purposes of war; there was not enough in all the banks to furnish the government with a month's supply. "On January 1, 1862," says Professor Dewey, "the banks had but \$87,000,000 to meet \$459,000,000 of indebtedness. It would have been impossible to go through a war on the basis of a currency so inadequate."¹ A month later the situation was worse and it was growing worse week by week. It is clear that the idea of attempting to retain, or rather to restore, specie payments on so vast a scale of expenditure should have been abandoned without delay and instead of trusting to the suspended state banks and the dealers in gold to furnish a currency — the life-blood of the imperiled nation — the nation should have trusted itself and relied upon its own resources.

This was the alternative policy. It was bolder, more original, quite unusual, not to say revolutionary. Its design was to make the treasury of the nation independent of the holders of gold; to prevent "shinning" in the marts of the money dealers, and the consequent sale of government bonds at discreditable prices; to avoid affording these gold dealers a "corner"

¹ Financial History of the United States, p. 283.

in their commodity, giving them the whip-hand in determining at what cost the government might obtain money to conduct the struggle for its life. The plan was to be independent of gold, to let its holders keep their gold, or sell it where they would; to abandon specie as money; to use the sovereign power of the nation to create a currency of its own, based on the resources and property of the nation, the faith of the people, and the power of taxation,—a currency which the government would accept for taxes and take in exchange for its bonds, and use in its payments, and which all classes of people without discrimination, could use as current money of the realm and as a legal tender for all their exchanges, debts, and taxes. In the absence of gold and silver, which had now sought their hiding-places and were failing to do the money work of the country, this plan would furnish the people with a uniform national currency, enable the government to meet its obligations, and save the business of the country from paralysis. This alternative, regarded as a temporary expedient, was deemed to be rendered imperative by the necessities of the hour.

Stevens favored the latter alternative,—the abandonment of gold, and the abandonment of a paper currency issued by banks that had already shown their inability to redeem their paper promises at their face value in gold. He stood for the establishment of a uniform nation-wide paper currency for all, a currency issued directly by the United States government without the mediation of banks. This currency would do the work of money for the people. It would not be a commodity of foreign commerce nor an article

of export. It was to be interchangeable with six per cent. United States bonds, based upon the good faith and property of the whole people. If the bonds were safe the notes would be safe. He believed that this would give the country a safe, ample, uniform national currency for all the trade and business of the country and prove an effective means in promoting the sale of government bonds. And thus "every note-holder and every bondholder, as creditors of the government, would be directly interested in maintaining the national unity, prosperity, honor, and good faith, while the interests of the people would prove a guarantee against excessive and dangerous issues of currency."¹ It is pertinent to observe that those who were constantly crying out from fear of an over-issue of such notes never seemed to have any fear of an over-issue of interest-bearing bonds.²

This scheme, as we shall see, was so modified and mutilated by its opponents that Stevens subsequently refused to recognize it as his own. Those interested in the gold policy, while they could not accomplish outright the defeat of the Legal Tender Act, accomplished their purpose by another process, the purpose of compelling the government to sell its bonds for what they

¹ Eleazar Lord, *National Currency*.

² If Stevens' idea of a single uniform national currency had been carried to its completion it would have involved, of course, the prohibition of the notes of the state banks, and this source of the paper inflation that subsequently followed would have been prevented. If the United States Treasury notes were to be made the basis of state bank issues at the ratio of two or three to one, the whole currency would become redundant and depreciated. The bullionist proposed the wrong remedy for preventing inflation. He would have allowed the note-issuing function to the state banks, while denying it to the national government.

would command in the open market, at a ruinous discount in gold. This was not a failure, as Stevens always believed, of the greenback legislation, but a design of a creditor and money-lending class who had gold to offer in considerable quantities.

Very few men of the time dared to think for themselves upon the subject of the currency. Among the men then in public life Stevens was one of the very few bold minds that ventured to accept suggestions calculated to lead the people away from the beaten paths of habit and tradition; and even Stevens, with all his boldness of thought and leadership, still clung to the idea that gold and silver were to be looked to as a basis for future money. Resuming specie payments was still in his mind. Stevens may have been partly influenced by Eleazer Lord, a financial pamphleteer of the time, who was making repeated public pleas for a credit currency wholly disconnected from the precious metals and based upon the bonded pledge of the nation. "The existing theory on the subject," said Lord, "is too firmly fixed by education, prescription, prejudice, and interest, to be overthrown by common sense, by reasoning, or by anything but irresistible necessity. Such words as *safe, secured, national, uniform (sound)*, when predicated of anything but gold as currency, are to the specie-paying theorist mere sounds devoid of significance. He even thinks it a virtue to suffer and die a martyr to his idea of gold rather than yield it and cast loose on the sea of credit bereft of this ideal anchor. When that pure extract and quintessence of wealth, the solvent of all earthly wants, the object of life's weary toil, is with-

drawn from sight by export to other climes, his love of it, his sense of bereavement, desolation, and peril without it, his desire to see its yellow face once more, are intensified to an agonizing extreme."

Lord was looking to the triumph of credit. He saw that specie payments could not on any system be uniformly maintained; "that crises, panics, emergencies, would arise when banks ought not to be required to pay specie, when desolation and ruin must follow any attempt to pay specie." Very recent experience had shown this. The banker, like the rest of the community, had recognized that the obligation to pay specie was suspended, and this was but an admission that "to regard specie as the basis of the currency and as the element and ground of its safety and soundness was but a delusion and a humbug."¹

¹ "The idea of specie payments, even in ordinary times of peace, blindly assumes what in reality and practise never was and never could possibly be true, namely, the possession in the country and within the control of the banks of coin sufficient to redeem the notes issued by them and necessary to the business and convenience of the people. The proportion of coin held by the banks is rarely ten per cent. of the amount of notes issued by them; it is greatly less than the amount held subject to deposit.

"This so-called specie basis, whenever there is a foreign demand for coin, proves to be a mere fiction, a practical humbug; and whenever, by an excess of imports, this pretended basis is exported to pay foreign debts, the bank-notes are withdrawn or become worthless, the currency for the time is annihilated, prices fall, business is suspended, debts remain unpaid, panic and distress ensue, men in active business fail, bankruptcy, ruin, and disgrace reign. When thousands of the most industrious and useful men have been sacrificed, their families reduced to poverty, their credit and character ruined and their energies paralyzed,—then a new set of merchants, manufacturers, etc., come forward to go through the same experience. The demoralizing effects of this course of operations on the whole population of the country and in every department of social, industrial and political affairs are beyond description. They can be compared only to the effects on the health of a community of a constant

The conflicts of opinion and interests were waged primarily between these two alternatives, and the mixed result was satisfactory to neither party, though the brunt of blame for all the evils, or supposed evils, of the greenback legislation has been assiduously, not to say insidiously, imputed to its original proposers.

When the plan of the committee to issue legal tender notes was made known to the country, bankers who were opposed to the measure came to Washington and endeavored to persuade the Secretary and committee that there was a better remedy for the situation of the treasury than the issue of government paper money. They proposed through their spokesman, Mr. James Gallatin, President of the Gallatin Bank of New York, essentially the alternative plan that I have described,—the sale of long time bonds at the market price “accompanied with heavy taxation.” Gallatin’s plan also involved the retirement of the demand notes, the issue of \$100,000,000 of interest-bearing treasury notes, and incurable epidemic, an intensified fever and ague, a permanent tantalism.

“When specie is not wanted by the people, and there is no foreign or unusual demand for it, and the banks, though promising to pay it on demand for all their circulating notes and deposits, study only to keep as little of it as possible on hand; their notes freely circulate on the credit of the promise which they bear, and things go on till the delusion becomes manifest. The moment the note-holders want the pretended basis, they discover that it exists only in theory and imagination, that they have been deluded by corporate promises which can not be, and which were never expected to be fulfilled. What then? Why, the promises ought to be suspended until a state of things is brought about when there is no longer any demand for specie; and then, forsooth, the bankers may safely *resume* specie payments and receive credit for renewing the issue of their paper promises. In fine, they should be required to pay specie when nobody wants it; but to require them to pay specie when it is wanted and they have not got it, and can not possibly get it, would be absurd and fruitful only of desolation and ruin.” (Eleazar Lord, *National Currency*, 1863.)

the suspension of the subtreasury act so as to permit the banks to become the depositories of the government funds. It was to let the government take care of the banks; the banks could take care of the currency and the money of the people. The government should then go into the "market" and borrow this money as best it could, through the banks.

There are those who call this a patriotic effort of the masters of finance to aid the government in its emergency, but there are others so obtuse as still to believe that the bankers' plan was primarily in their own interests. By this plan the state banks were to be made the sole agents of the government throughout the crisis; their irredeemable notes, even after their suspension of specie payments, were to be received by the government for loans,—notes whose gold basis had just been proved but a fiction, or a figment of the imagination; these local banks, more than fifteen hundred in number, were to continue to usurp the important franchise of supplying the circulating medium of the country,—a medium to be used as the money of commerce without any guarantee whatever of its uniformity or stability! The essential national power of controlling the currency was to be left to these state agencies. To the national government, not to the banks nor to the states, had been given the power to coin money and to regulate its value. That was an exclusive national power. The state was not to issue money nor to authorize its issue.¹ Yet Stevens was

¹ See "Review of Our Finances," by R. J. Walker, December 19, 1862, in *Continental Monthly*, an argument for an exclusive National currency. Walker, however, was arguing for a *bank* currency.

roundly denounced as stupid and ignorant because he would not advise his committee and the House blindly to accept this plan of the associated banks.

The Secretary of the Treasury and the committee rejected this alternative proposed by the bankers, and under the advice of Chase there was added to the bill the provision permitting the exchange of the legal tender notes for 6 per cent., twenty year bonds, and authorizing the treasury to issue \$500,000,000 of these bonds.

It was on the Legal Tender Act, with this bond proposal, that the House went into debate, January 28, 1862. After four weeks of earnest discussion the bill became a law on February 25th, but not until the Senate had succeeded in attaching such amendments to the measure as led its authors to disclaim responsibility for its results.

Nothing can be attempted here toward a study of these debates beyond presenting the attitude of Stevens on the merits of the various arguments and issues involved. In his principal speech on the subject on February 6, 1862, Stevens admitted that it was not desirable to depart from the circulating medium "which by the common consent of civilized nations had formed the standard of value." It was a matter of necessity not of choice, and of that necessity Congress alone should be the judge. He anticipated a treasury need to the end of the fiscal year 1863 of \$1,000,000,000 with a corresponding enlargement of the public debt. Where were these vast sums to be obtained? The Secretary had not been able to negotiate the loans already authorized. If \$700,000,000

were offered in bonds, he had no doubt they would sell as low as 60 per cent. and even then it would be found to be impossible to find payment in coin. Payment would have to be accepted in the depreciated notes of non-specie-paying banks, for he supposed no one expected the resumption of specie payments till the war was over. The least discount on the bonds that any reasonable man had a right to expect was 25 per cent. and at that rate it would require at least \$1,500,000,000 in bonds to produce the required currency of \$1,100,000,000 needed to the end of the next fiscal year. It was a sum too frightful to be tolerated. He held out stoutly for the legal tender clause and he preferred the greenbacks to the bank-notes under the Secretary's bank currency plan. The security of the government was as good as that of the banks and would give as much currency. The whole benefit of the bank currency plan would accrue to the banks, as they would receive the circulation without interest and at the same time draw interest on the government bonds, while it was plain to be seen that if the United States issued these notes the benefit of the whole circulation would accrue to the people,—an argument for greenbacks over bank-notes that has ever since been effectively used, and which has hardly been successfully refuted. The government issue would be equal to a loan without interest to the full amount of the circulation. The proposed new banking system could, at best, afford no immediate relief.

Having shown, as he thought, that there was no other possible mode for the relief of the treasury in the emergency, Stevens proceeded to examine the ob-

jections that had been raised to the legal tender plan proposed by his committee.

He quickly disposed of the constitutional argument that the power to issue legal tender notes was nowhere expressly granted to Congress. "But few acts which government can perform are specified in that instrument. It would require a volume larger than the Pandects of Justinian or the Code Napoleon to make such enumeration. Everything necessary to carry out the granted powers is clearly implied. If nothing could be done by Congress except what is enumerated the government could not live a week." He thought little of the argument based on the intention of the Convention of 1787. "The right to emit bills of credit which the convention expressly refused to grant, has for fifty years, by the common consent of the nation, been practised and is now conceded by every opponent of this bill. With what grace can the concomitant power to make them a legal tender be objected to? The Supreme Court has settled the principle upon which this bill is based, that when anything is necessary to carry into effect the granted power, it is constitutional."

Stevens here stood upon the constitutional ground occupied by Hamilton in the infancy of the Union in his fundamental doctrine of implied powers, by which Hamilton laid the cornerstone for the powers of the federal government. In his famous opinion furnished to Washington in advocating the validity of the First United States Bank, Hamilton laid down the principle that was afterward affirmed by Chief Justice Marshall in the famous case of *McCulloch vs.*

Maryland. This principle was now drawn into use by Stevens. He stood upon the impregnable ground that if any law is necessary and proper to carry into execution any delegated power, such law is valid. The test of constitutionality was in the *end* sought; the discretion of Congress was absolute and sovereign as to the *means* to be employed. Stevens held, as Hamilton did, that the necessity need not be absolute, inevitable, and overwhelming; "if it be useful, expedient, profitable, the necessity is within the constitutional meaning, and whether such necessity exists is solely for the decision of Congress. If Congress should decide this measure to be necessary to a granted power, no department of the government can rejudge it. The Supreme Court might think the judgment of Congress erroneous, but they could not review it." This view, which Stevens was then advocating and reasserting, has now passed into history with the sanction of the Supreme Court itself and with the general acceptance of the nation, and it will be the final judgment of history on the legal tender legislation of that day.

Having established its constitutionality, Stevens proceeded to defend the measure on the ground of expediency. He wished the notes to be made full legal tender money. All admitted the necessity of some issue, and he did not see how the notes would be made worse by being made legal tender. It would not impair the obligations of contracts — though Congress had power to do even that — as all contracts are made not only with a view to present laws but subject to the future legislation of the country. The value

of coin had been repeatedly changed by legislation, neither our gold nor silver coin being as valuable as it was fifty years before. In 1853 Congress debased the coin over 7 per cent., and made it a legal tender. The *ex post facto* laws prohibited by the Constitution refer only to crimes and misdemeanors, not to civil contracts.

As to the inflation of the currency and the rise of prices, he did not see how the same amount of notes without the legal tender quality would be better. Stevens expected the notes to be issued only in limited quantities, and that limitation upon their issue he relied upon as the chief factor in keeping the notes at par with gold. He was not thinking of a currency entirely independent of specie. He believed that the value of these notes would depend entirely upon two factors: in the first place, that the notes should be made to perform all the functions of money — that all men without exception might use them to pay their debts and their taxes, and that the government would do so, too; and, in the second place, upon the quantity issued as compared with the business of the country. That belief was founded upon the best economic authority of his day. No experience or new economic argument has since been brought forward to disprove it. These two factors: namely, reasonable limitation in quantity, and universal money use, will maintain the parity of government paper. Such was Stevens' opinion, and in that opinion who will say that he was not standing on sound economic ground?

It should be remembered that the notes that Stevens proposed were not the notes that were issued. The

notes that he favored were the notes of the Greenbacker,— full legal tender money, limited in amount, and convertible into interest-bearing bonds. The difference between Stevens and the later Greenbacker was that he looked upon these notes, as all their promoters did at the time, as a temporary expedient, and he expected the bonds which they might be used to buy not to be continually exchangeable for greenbacks at the option of the holder, but to be paid in gold at the end of twenty years, if they had not been redeemed in lawful money before that time; that is, in the same notes the purchaser should use in buying the bonds. United States notes, lawful money for all alike, based on an ultimate gold security (since Stevens expected to return to specie payments), that he thought to be “necessary and proper,” and the best that could be devised in the hour of uncertainty and distress.¹

¹A government currency based on national bonds, to be issued as bank-notes through the then existing banks, a legal tender for *all* debts, public and private, with the understanding that the notes should never be redeemable in specie,—this alternative proposal was made at the time. This would have been essentially the same kind of currency that Stevens sought to obtain, except that it was more radical in that it was proposed as a permanent system and not as a temporary expedient prompted by necessity. Lord's banking experience, his altruistic principles and long study of the currency problem had brought him to his convictions as to what the nation should do for a currency in the crisis of the war. He would establish a national paper currency independent of specie, that would answer for either war or peace. This was the scheme of Eleazar Lord. Lord, whose contributions to the literature of our financial controversies entitle him to recognition and to a worthy place in the financial history of the country, was born in Connecticut in 1788. He studied theology in Andover and Princeton, but the failure of his eyesight compelled him to give up his profession of the ministry. In 1815 he settled in New York City and engaged in commercial pursuits and later in banking. He founded the Manhattan Insurance Company in 1821, and was for twelve years its President. He proposed the free banking system for

Stevens was original and bold enough to venture only so far in that direction as he thought the necessities of the war compelled. He was less theoretical, more of an opportunist. He looked to the restoration of the old system in the resumption of specie payments after the war, not by the retirement and disuse of the greenbacks, but in their being brought to a parity with gold and silver.

The national paper currency that Stevens proposed was not given a trial. Evidence that there could have been a better currency for the time has by no means been convincing, an opinion which a lay citizen may be so bold as to entertain in spite of the traditional and conventional arguments of gold standard writers from that day to this.

To adopt these notes, it is true, was to cut loose from the gold standard as a basis for the conduct of the war, and, temporarily, as a measure of debts and a standard of deferred payments. This was bound to happen to a greater degree than Stevens appreciated or un-

New York which was adopted by that state in 1838. He was a successful banker, the organizer of the National Institution for the Promotion of Industry, and by personal influence and argument helped to induce Henry Clay to declare himself in opposition to free trade. Lord became one of the founders of the University of New York City, and he was for many years one of its trustees. He was a philanthropist and, like Peter Cooper, he became the public spirited projector of many schemes for the public good. *In 1861 he originated and drew in his own handwriting what he claimed as the draft of the first greenback that was ever issued in the United States.* Thousands of Americans will rise up to bless or to blame him for that! Lord published, among other essays, an extensive work on Credit, Currency and Banking (1828); A letter on the National Currency (1861); Six letters on the Necessity and Practicability of a National Currency (1862). My information on the facts in Lord's life is derived from Appleton's *Cyclopedia of American Biography*.

derstood. But the gold standard for war payments and emergencies had already proved inadequate. No one claimed that the emergency could be met without a paper currency. The only question was whether there should be a government currency or a currency of a number of irresponsible state banks.

The value of the proposed notes in terms of gold coin, gold bullion, or any other commodity, would chiefly, if not entirely, depend upon the factors that Stevens named,—the limited quantity, the growing demand, and the full money function. He thought that the limited amount proposed would float at par with gold, and when he was asked by Judge Thomas, of Massachusetts, whether he expected to limit the amount to the \$150,000,000 proposed, Stevens answered emphatically that he did; he expected to call for no more. Four months later¹ when Stevens, as spokesman of his committee, was calling upon the House to vote another \$150,000,000, Judge Thomas again inquired whether that would be the last \$150,000,000 they would be called upon to vote. Stevens replied: "I said before that \$150,000,000 was all that I would ask and if they had passed the bill as I wanted it, it is all I would have asked; but they spoiled the bill and I don't know how long it will go on."

He recognized in the first discussion the danger of over issue, but he expected the government paper to displace the bank circulation of \$200,000,000, and that the increasing business of the country would bring coin into use; it would come out of hiding for investment. He regarded the notes as inconvertible (into

¹ June 18, 1862.

coin), and he understood perfectly that the value of the paper would depend upon the quantity issued, and the demand placed upon it. He expected rapid circulation of the money, \$100 in notes buying ten times its value in a year. The money would soon find lodgment in the banks, and these could not find a better investment than a twenty-year bond that would ultimately be redeemed in gold. He had no doubt that the \$500,000,000 of bonds would be absorbed in less time than would be needed by the government; and "thus \$150,000,000 would do the work of \$500,000,000 of bonds." He was not much in sympathy with "the unfortunate money lenders who were clamorous lest the debtor should the more easily pay his debt." He met with his usual sneer — he was rich in sneers — the counter-proposals before the House. Roscoe Conkling's proposal to issue 7 per cent. bonds payable in thirty-one years to be sold for the currency of the banks of Boston, New York, or Philadelphia, seemed to Stevens to lack every element of wise legislation. To receive "irredeemable currency and pay that in its depreciated condition to our contractors, soldiers, and creditors generally! The banks would issue unlimited amounts of what would become trash and buy good hard money bonds of the nation. Was there ever such a temptation to swindle?"

He denounced the substitute of the minority of the committee as a curiosity. It proposed notes, not a legal tender, bearing 3.65 per cent.,¹ not payable on demand but at the pleasure of the United States. Here was a kind of currency never before known,— a circu-

¹ And fundable into 7.3 per cent. bonds.

lation bearing interest. "Suppose a tailor, shoemaker, or laborer were to take one of these bills, and in a week he should wish to use it in market, or store, or elsewhere, he must sit down and calculate the interest on the days he has had it to find its value. This would be rather inconvenient on a frosty day. This currency would make it necessary for every man to carry an arithmetic or interest table with which to gage the value of the circulating medium."¹

In conclusion, Stevens expressed the earnest hope that the bill might pass, but not without the legal tender clause. If it did not pass, then he would that the members of the Committee on Ways and Means might have the power to resign their places to let the opponents of the bill mature some other plan. He would attempt no other. "The Committee on Ways and Means have labored in the preparation of this measure anxiously and to the best of their poor abilities. . . . If this bill pass, I shall hail it as the most auspicious measure of this Congress; if it should fail, the result will be more deplorable than any disaster which could befall us."²

The bill passed the House as Stevens favored it, with no exception clause. The notes were to be a legal tender for *all* debts, public and private. The discriminating exceptions were imposed by the Senate. When the bill came back to the House it contained, among other amendments, two provisions that were calculated to defeat the chief objects of the bill. These objects were to prevent all forcing of the gov-

¹ *Globe*, February 6, 1862, p. 688.

² *Globe*, February 6, 1862, p. 689.

ernment to sell its bonds in the market to the highest bidder, and to induce bankers and capitalists to exchange the legal tender notes for 6 per cent. bonds at par or lose their interest, thus furnishing a continually recurring currency by the sale of the bonds. "A dollar in a miser's safe unproductive is a sore disturbance," as Stevens had said.

One of the objectionable amendments provided that the greenbacks might be deposited at the subtreasury for treasury notes bearing 7.3 per cent. and payable in two years. This "vicious deposit system upon interest," as Stevens called it, would prevent the legal tenders from being converted into bonds, and as there could be no reasonable expectation that the government would be able to pay its interest-bearing notes in two years, the treasury would be at the mercy of its creditors, and would be compelled to submit to any hard bargain they chose to drive unless the government should consent to become dishonored by refusal to redeem its notes.

The other Senate provision was still more objectionable: namely, that the interest on the bonds should be paid in coin, and that in order to secure the coin the Secretary of the Treasury should go into the market and sell his bonds for what they would bring. The bill was thus weighted down with a proposed absurdity of two inconsistent and conflicting currencies,—one money for ordinary commercial transactions among the people, with "the preposterous provision that the government dues to a particular class should be paid in another and wholly different legal tender." This was gold, the want of which had made

the treasury notes necessary and which must yet be purchased at any sacrifice. So, after all, the treasury was not to escape from its shackles, but must be forced to hawk its bonds to the gold brokers in Wall Street for gold; and the plan for a new national currency was to be brought to naught.

Within a few months the "financiers" who were responsible for these Senate amendments began to complain of the evils arising from the disparity between specie and greenback notes, and with an assumption of superior virtue and wisdom, they attributed all these evils to the *legal tender* legislation. On the other hand, the Greenbackers attributed those evils to the legislation promoted by the advocates of specie that made one currency for the government and another for the people,—the amendment that bound the government to pay its bond interest in gold. The government thus came forth and proclaimed itself a constant and permanent customer for gold at whatever price, as an exportable article of commercial traffic, in competition with its foreign rivals and with the whole money power of the world. That gold would rise was certain and was as clearly foreseen by others, if not by the "financiers," as the law of gravitation. Yet the Senate had hastily allowed this "expert opinion" to dictate an "invidious and unheard of preference among creditors of the government." ¹

It was exactly this that Stevens and his coadjutors sought to avoid. They wanted no partial half-way measure, no exceptions, no evasions, no equivocations,

¹ Eleazar Lord, *Letters on a National Currency*, p. 41.

no class legislation. If these notes were to be made money, they should be money for all classes and conditions of men. There should be one currency for all sections and classes alike, and not one kind of money for the poor and another for the rich, or one kind for the debtor and another for the creditor. If a forced loan were to be laid on the business of the country, it should be laid upon all businesses alike, the money-lending business as well as upon every other. If these notes were a means of making the people pay for the support of the war, *all* should be made to pay; and Stevens saw no reason why the government should make an exception and provide special legislation to safeguard the interests of a class of men representing accumulated wealth. If by long continuance of the war the public debt should reach \$2,000,000,000, — and Stevens' vision upon that score was not beclouded as was that of so many public men of the time — it would require \$120,000,000 of gold annually to meet the interest, requiring a semi-annual payment of more gold than the combined banks of the country contained.¹ This would enhance the price of gold, and bankers and brokers would horde it for sale to the government at ruinous prices; gold and treasury notes would part company and speculations in gold would follow. This hazardous outcome Stevens saw clearly from the beginning and he sought to do his best to prevent it.

Consequently, when the bill came back from the Senate with these obstructing and discriminating

¹ In fact the annual interest payment became much larger than this.

clauses, Stevens was ready to abandon the whole legal tender feature of the bill rather than accept the "pernicious amendments." He denounced the amended measure as "an incongruous monster," as a bill with "many uncouth features," and "no wonder, for it had a vast number of progenitors and must partake of the lineaments of all." As a means of breaking down the amendments he contended with reference to the exception that it was proposed to make to the legal tender provision of the bill, either that the whole legal tender provision should be abandoned or the exception should be extended. He, therefore, in order to make the exception odious and defeat it, moved to extend it, so that if the treasury notes were not to be legal tender for dues to the bondholder, neither should they be in payments due to soldiers, sailors, contractors, farmers, and producers. These, too, were creditors of the government. Many of them were risking their lives in defense of their country, and they were certainly as deserving of the consideration of the government as were those who staked only their money upon the issue,—and that, too, only on special security. This, says Mr. White, "put the House to the severest possible test."¹ It did, indeed, test the spirit and motive of some of the members of Congress. It appears that Stevens was putting it up to the House to decide whether it would stand for privilege or equality, whether it would ordain and establish "one currency for the bondholder, another for the plow-holder"; a dear money to repay those who had quantities of capital to lend to the

¹ Horace White, *Money and Banking*, p. 155.

government, but a cheap money to pay the producers who were furnishing supplies for the armies in the field and the men in the trenches who were shouldering their muskets for the sake of the Union.

This has been denounced as the scheme of the demagogue. It was not. It was rather the plea of a great commoner whose sympathies were with the common people who were bearing the nation's burdens, and of an honest public servant who had sufficient nerve and insight to withstand the demands of interested and powerful moneyed classes. It was, also, the plea of an astute political manager who sought to compass the rejection of amendments that he honestly thought would be injurious to the interests of his countrymen. Stevens said, as he approached this second discussion of the legal tender bill, that he did so with more depression of spirit than he had ever approached a public question, having as he said, "a melancholy foreboding that we are about to consummate a cunningly devised scheme which will carry great injury and great loss to all classes of the people throughout the Union, except one."¹

The original bill had been hailed with delight throughout the country. Congratulations had come

¹ Peter Cooper, in accepting the nomination of the Greenback party for the presidency in 1876 (Indianapolis, May 17), said: "The introduction of that little word *except* into the original law drew tears from the eyes of Thaddeus Stevens when he looked down the current of events and saw our bonds in the hands of foreigners who would be receiving a gold interest on every hundred dollars of bonds that cost them but fifty or sixty dollars in gold.

"But for the introduction of that word *except* into that original law our bonds would have been taken at par by our own people, and the interest would have been paid at home in currency instead of being paid to foreigners in gold."

in from all classes of people,—merchants, traders, manufacturers, mechanics, laborers, and from the Boards of Trade of the principal cities.¹

“It is true,” said Stevens, “a doleful sound came up from the caverns of bullion brokers, and from the saloons of the associated banks. Their cashiers and agents were soon on the ground, and persuaded the Senate with but little deliberation, to mangle and destroy what it had cost the House months to digest, consider, and pass. They fell upon the bill in hot haste and so disfigured and deformed it that its very father would not know it. Instead of being a beneficent and invigorating measure, it is now positively mischievous. It has all the bad qualities that its enemies charged on the original bill and none of its benefits. It now creates money, and by its very terms declares it a depreciated currency. It makes two classes of money — one for the banks and brokers, and another for the people. It discriminates between the rights of different classes of creditors, allowing the rich capitalist to demand gold, and compelling the ordinary lender of money to receive notes which the government had purposely discredited.”²

Other minor amendments were also objectionable as tending toward favoritism and class legislation. Stev-

¹ Senator Henry Wilson, of Massachusetts, said in the Senate that not a thousand people in his state opposed the legal tender clause, that ninety-nine in a hundred of the loyal people favored it, that the sentiment of the nation “approaches unanimity in its favor.” He had letters from several large commercial houses representing millions of capital, and “they say that they do not know a merchant in the city of Boston engaged in active business who is not for this legal tender.” *Globe*, 2d Session, Thirty-seventh Congress, Vol. 59, pp. 788-789, February 13, 1862.

² *Globe*, Feb. 20, 1862, p. 900.

ens pleaded for equity and fair play to all classes alike and in his conclusion he earnestly urged his amendment enlarging the exceptions in order, as he said, that "if this pernicious system is to be adopted, if the beauty of the original bill is to be impaired entirely, those who are fighting our battles and the widows and orphans of those who are lying in their graves in every part of the country, killed in defense of the government, may not be placed upon a worse footing than those who hold the bonds of the government and the coin of the country."¹ He disclaimed responsibility for the result of the bill, and he looked upon its passage in its amended form as deplorable and permanently injurious to all classes of the community except the class that he had excepted, — bankers, bond buyers, and bullionists.

The House agreed to the Senate amendment providing for the payment of bond interest in coin, but it disagreed to some other amendments. The result was a conference committee between the two houses. Messrs. Fessenden, Sherman and Carlisle represented the Senate and Messrs. Stevens, Sedgwick, and Horton represented the House, and after some days of discussion the outcome was an agreement to resort to customs dues instead of bond sales as a means of securing the coin for interest payment.²

¹ *Cong. Globe*, 2d Session, Thirty-seventh Cong., Vol. 59, p. 900, Feb. 20, 1862.

² Mr. Horace White asserts that Stevens "afterward claimed the credit" of substituting import duties instead of bond sales as a means of getting the coin for the government, but that he did this as a means of increasing the duties on imports for the sake of higher protection and not for the sake of getting the gold for which "he had intense scorn." *Money and Banking*, p. 155.

The bill then passed providing for the issue of \$150,000,000 of legal tender treasury notes with the exception clauses; stipulating that customs dues and the government's interest payments should be in coin; that these notes might be exchanged for bonds at 6 per cent. or deposited on interest at 5 per cent., and the issue of \$500,000,000 five-twenty bonds was authorized.¹

Attempt has here been made to present fairly and with as much fulness as the limits of space make possible the position of Stevens on this most important single act of legislation during the Civil War. For what he then did and said in the legal tender controversy Stevens has been severely criticized by writers who condemn the greenback policy. Because he said that these notes which he proposed would not depreciate as compared with gold, that they would be rapidly exchanged for five-twenty bonds, and that no further issues would be called for,—these expressions have been held up as glaring examples of his wild and untrained opinions and errors in finance, and as an indication of his readiness to “cast to the winds the teaching of experience.”² A standard writer in American financial history refers, with some flavor of satire, to the “magic” by which Stevens expected that \$150,000,000 of treasury notes would do the work of \$500,000,000 in bonds.”³ Another writer refers to the expectation of Stevens that the

¹ There were two subsequent issues of the greenbacks on July 11, 1862, and March, 1863. These increased the amount of the greenback currency to the final total of \$450,000,000.

² Oberholtzer, E. P., *Jay Cooke, Financier of the Civil War*, Vol. I, p. 171.

³ Dewey, D. R., *Financial History of the United States*.

notes would be readily offered for bonds as a "vain reliance" and as "far too sanguine."¹

These criticisms are, no doubt, fair in intent, but they are hardly fair in fact. The full truth puts Stevens in a different light. Complete justice to the merits of the controversy, not to speak of common fairness to Stevens and his coadjutors, would seem to require that the reader should be reminded of the fact that these utterances of Stevens were not made with reference to the notes that were issued and with which experience was had, but with reference to the notes that he originally favored. There was a difference. The original greenbacks of which Stevens was ever the ready defender would certainly have had a greater value, in comparison with gold, than the ones the gold advocates finally succeeded in writing into the law. The notes that were issued, which Stevens so stoutly opposed, had denied to them two great and important functions of money,—customs taxes to government and government payment of interest. In these two important aspects the government dishonored its own notes. To the extent of these vital exceptions the greater pressure of money demand was placed upon gold; it was made *preferred* money and was required for a large money work that the greenbacks were by law prevented from doing, and, consequently, the notes that were finally enacted took exactly the course with reference to gold that Stevens predicted for them. Instead of saying, as quoted, that the greenbacks as issued would pass at par with gold, he specifically predicted that they would depreciate. He did not

¹ Mitchell, W. C., *A History of the Greenbacks*.

expect depreciation under the original bill, but under the amended bill he did expect it.

On the eve of the final enactment of the Legal Tender Act, in speaking of the "exception clause," which he denounced as one of the "uncouth features" of the bill imposed by the Senate amendments, Stevens said: "After we had made a currency for all, declaring it to be equal with gold, we made an exception and declared that it was not equal to gold and should be a currency only for some, thereby depreciating our bonds and bringing our currency below par which we declared was par."

Herein I give not quite the *form* of Stevens' utterance but the exact meaning of it. When Stevens spoke of declaring paper money "at par" and making it "equal with gold" he must have meant only that the government and the people would treat the legal tenders without discrimination, that they should be recognized as equal with gold in the equal power of performing all the functions of money. Whether, if no legal discriminations had been made in favor of gold, and equal money functions had been given to paper and gold alike, the greenbacks and the gold would have exchanged at a parity, can be neither proved nor disproved. That would have depended on the quantity issued and the demand for money. Stevens thought such notes would be at parity with gold. The experience with an issue, in 1861, of \$60,000,000 in demand notes which, being made receivable for customs but not a legal tender, did not depreciate, appears to sustain his view; and with such a limited supply as he first proposed it is not unreasonable to conclude that the law of probabilities was in favor of Stevens' opinion.

Men who speak flippantly about his "wild-eyed notions of finance" give little evidence that they themselves are either fair judges of sound opinion, or careful students of the paper money problem. Stevens should be allowed to stand upon his record. If the notes had been allowed to retain the full money qualities with which he so earnestly desired to clothe them, those qualities would certainly have added to their use; the larger use would have added to the demand for them; and the larger demand would have increased their value. What their gold value would actually have been is a matter of speculative opinion, but it is quite obvious that the criticisms here referred to do not apply with fairness to Stevens' real opinions and prophecies.

In another respect the criticism of Stevens by financial writers is equally unfair. I refer to that "too sanguine expectation" and the "magical process" by which, it is said, he expected the legal tender notes to be turned over rapidly and repeatedly for the five-twenty bonds. The record reveals Stevens' clear recognition of the fact that these notes as they were finally issued would not be so exchanged for the five-twenties. Yet his words are misused to make him say the opposite of what he believed,—the words he applied to the legal tender notes before they were vitiated by the Senate amendments. He openly asserted that the notes as they were made by the Senate amendments would not be funded into bonds. "I do not," he said, "expect one dollar of the \$150,000,000 of legal tender notes ever to be invested in the twenty years bonds, as no bonds would be sold until the cur-

rency became frightfully inflated." All classes were required to take these notes "unless they had money enough to buy the United States bonds, and then they shall be paid in gold, and that favored class is nobody but bankers and brokers." ¹ "Does anybody suppose that they are going to give their coin at par for such notes as we are about to issue? They will sell the gold for what their consciences will allow. Was ever before such a machine got up for swindling the government and making the fortune of the gold bullionists in one single year?" ² It was because he saw that the easy convertibility which he claimed for the original notes had been destroyed that he so vigorously denounced the "vicious deposit system upon interest" which was imposed by one of the Senate amendments. Under that system the holders of the legal tenders could deposit them in the subtreasuries and receive 5 per cent. interest on them. This put the government into the position of receiving its currency on deposit and withholding it from use, and it effectually prevented, as Stevens said, all conversion of the legal tenders into the bonded debt. To Stevens this seemed like a cunning device to prevent the greenbacks from having a rapid and constant circulation and from doing the very work for which they were designed. He distinctly said so in the open House. He believed the gold money brokers were using every means which their ingenuity could devise to prevent the greenbacks from doing the work of money. What these gold men

¹ Stevens disregards the clients of the bankers, the small investors who merely wished to use the banks as agencies for the investment of their savings and capital funds.

² *Globe*, Feb. 20, 1862.

most feared, according to Stevens, was not that the legal tenders could *not* do the money work, but that they *could do it*, and he repeatedly denounced the proposal to lock them up on deposit as an adroit scheme by which the enemies of the greenbacks were accomplishing their purpose,—to prevent a soundly secured paper money from coming into use as well as to prevent their being offered for bonds. A year later he reiterated this opinion, which experience had vindicated, by calling attention to the fact that only \$23,000,000 of bonds had been sold, since the passage of the law.¹ The full record of the case does not show that in this respect Stevens was either deceived or that he was obtuse, or over-sanguine. Many men in his day denounced Stevens as a vindictive political tyrant; some men, since his death, have accused him of being a knave; but no one ever took him for a fool. The record will show that he penetrated the problem of paper money in relation to the war with as keen an intelligence as any man of his time.

One may reasonably believe, in harmony with traditional opinion and the *dicta* of eminent writers (though they have assumed rather than proved their case), that the legal tender legislation was not wise nor economical. There is reasonable ground, also, for an opposite opinion. It is repeatedly asserted that that legislation added greatly to the cost of the war.² The sum of \$870,000,000 has been given as the unnecessary cost to the taxpayers caused by the use of a depreciated currency.³ But the case is by no means

¹ House, January 20, 1863.

² Rhodes, III, pp. 566, 567.

³ Horace White, *Money and Banking*, p. 162.

clear against the greenback. Not to speak of the claim, which may reasonably be made, that a considerable part of the increased expenses of the war came directly from the mutilation of the greenbacks by its enemies, by which they were prevented from being received for all forms of taxes, duties, and debts,¹ yet it will be accepted as a matter of common agreement that the greenback issue gave to the government an immediate relief, by affording a means of making payments that taxes could not possibly have afforded; that, in so far as they were in the nature of a loan or government obligation, they were "a loan without interest" and saved an interest payment on a nominal capital equal to the amount of the issue; that their issue was followed by a notable commercial and industrial prosperity; that production and exchange were greatly facilitated, and, therefore, government revenues were increased; and that this prosperity and the rising prices were a potent factor in making the people both able and willing to meet the heavy taxes that became necessary later for the conduct of the war. This productive and commercial prosperity was so pronounced during the years from 1862 to 1865 that our exports of staples to foreign markets were so unprecedented as to exceed by from two to four times the average of the years just prior to the war,—and this, too, at a time when a million of men were drawn from the field of

¹ In a later financial discussion in the House, Feb. 28, 1865, Stevens said: "To this unwise discrimination, creating two kinds of currency, and pronouncing one kind of lawful money inferior to the other kind of lawful money, I attribute most of the trouble which has arisen from the high price of everything, the enormous and unnecessary expense of the war and the constant fluctuation in the market."

productive labor and when it was feared that the waste of war would take all our national surplus and call for the importation of supplies from abroad.

I think it has been demonstrated that the gold standard had, of necessity, to be abandoned. But if there are those who think otherwise, they are under obligations to adduce some reasonable ground for believing that upon the gold standard and without the greenback, the country could have sent such an unprecedented volume of products to foreign markets; that it could have supplied with such ease and ability the sinews for a war of such gigantic magnitude; and that the nation could have raised for its treasury within a single year, as it did, a thousand millions of money in loans and taxes. This does not seem credible, and it was, therefore, not unreasonable to say, as was said repeatedly by public men after the war was over, that the greenback money, after gold had become a commodity to be bought and sold, was one of the most potent factors in promoting the success of the national arms.

Nor are the usual assertions of the gold standard advocates, and of the historians who assume without knowledge the correctness of their view, at all convincing to show that the paper currency added greatly to the cost of the war. Undoubtedly the prices which the government had to pay for commodities were raised by the use of the paper dollar. But this was an increased expense only in name. What the war cost was the amount of labor and wealth consumed in waging it.¹ That could not have been increased by

¹ *Journal of Political Economy*, Vol. V, p. 143.

any change of the money standard. The number of soldiers required for the army and sailors for the navy, and the amount of supplies required to arm and feed them,—these were just the same as if the gold dollar had been used instead of the greenback. The number of dollars were increased, but the consumed wealth that these dollars represented was exactly the same. The increased cost of the war came, not in the use of the greenbacks to conduct the war, but in their disuse after the war was over,—that is, in the policy of paying the creditors of the government dollars of higher value than they had loaned.¹ The capital that was borrowed represented so much wealth, but the capital that was returned represented nearly twice as much wealth. But that policy of adding to the cost of the war was not the policy of Stevens and the Greenbacker, nor were they responsible for it. It was the policy of those who combated and defeated Stevens' greenback legislation. If only the values that were borrowed had been returned to the lenders, the war would have cost essentially the same on either money standard,—if it had been possible to conduct it at all on the specie basis.

In view of the whole controversy and of Stevens' persistent and consistent efforts to prevent the gold legislation that was here secured by the "interests,"—those that were working in favor of the gold dealers and bankers—it is slightly ironical for the gold advo-

¹ "The depreciation of the currency then made no difference in the amount of wealth consumed during the war. The only way in which it did make a real increase in its cost came in the repayment of the debt." Mitchell, "The Greenbacks and the Cost of the War," *Journal of Political Economy*, Vol. V, p. 144 (1897).

cates to attribute to Stevens and other original friends of the Legal Tender Act the failures and shortcomings of that measure. Those interested in money lending and gold holdings, while they could not defeat the Legal Tender Act, accomplished their principal purpose by another process,—the purpose of compelling the government to sell its bonds in the open market for what they would command in gold. They were permitted to accomplish this purpose in spite of the fact that Stevens had made it perfectly obvious that the bond sale was certain to result in a discount ruinous to the public interest. The capitalist opposition to the greenback legislation was not at all marked nor strenuous after the interests of their particular class had been safeguarded by the Senate amendments. With more recent history before us of the ways by which moneyed interests control legislation at Washington, we may conclude that Stevens was not far from wrong when he attributed this particular “failure” of the Greenback Act to a “cunningly devised scheme” of a creditor and bondholding class who had gold in considerable quantities to offer the government, under conditions that would enable them to dictate the terms of its sale.

What would have resulted in financial conditions if the original Greenback Act had gone through; what the expenses of the war, measured in money, would have been; how a real Stevens greenback without any exception clause would have been rated in terms of gold,—all this is entirely a matter of speculation. It is certainly not to be settled by the dogmatic assertion of those who choose to flatter themselves as the only

"advocates of sound money," or by the epithet of ridicule and denunciation against greenbacks and Greenbackers usually indulged in by the orthodox advocates of the gold standard. After the experience of recent years, the advocates of gold as the only stable measure of value can not much longer perpetrate the absurd farce of calling it a "standard." Happily that ever-shifting, not to say ever-cheating, "standard" is not now in the minds of the creditor and salaried classes quite so sacred a thing as it was a half-century, or even two decades, ago. More than a thousand millions of new gold within a decade and the consequent fall in its value (or the rise of gold prices, which is the same thing) are leading "classical writers," and perhaps even the intolerant dogmatists of the gold standard school, to question whether the yellow metal was really designed in the original councils of the Almighty as the one standard of honest money for the realm.¹ The ax is being laid at the root of the

¹ The director of the mint in his estimate of the output of gold for the year 1911, places its value at \$466,000,000. That was but a slight increase over the years immediately preceding. But ten years ago the gold output was valued at only \$262,000,000, while twenty years ago it was only \$130,000,000, and the average for the decade of 1880 to 1890 was but a little over \$100,000,000. The product of gold from the Transvaal has grown in ten years from \$9,000,000 to \$191,000,000. It is not contended that the recent rise of prices is to be attributed to the gold flood alone, yet few reputable economists will deny that it is the most effective cause. The phenomenal increase of gold has brought us the "fifty-cent dollar" which was so decried in the notable Bryan campaign of 1896. The gold "standard" was even more inconstant and unreliable in Stevens' day than in ours, the difference being that in Civil War times the metal was scarce, while in these times of high prices it is abundant.

Professor Irving Fisher, of the Department of Economics of Yale University, has recently presented much evidence and sound argument to prove that the present high cost of living is due primarily "to gold and credit inflation." He is reminding the

tree, as the radical custom always was with Thaddeus Stevens. The value of gold has so calamitously changed in the wrong (?) direction in recent years that the orthodox may well question the divinity that has always been supposed to hedge about the yellow metal as a standard of value. It is barely possible that they may be led to see that Thaddeus Stevens, the Greenbacker, even fifty years ago in the midst of the trials of war, had an intelligent conception of the need of a uniform national currency, and that he saw and understood the merits of gold in relation to money as clearly as some of his hasty and intolerant critics.

Stevens looked upon this struggle over a national currency as a contest between Privilege and Democracy. America has never produced a more powerful, more consistent, and more uncompromising foe to Privilege than Thaddeus Stevens. In this cause he felt and spoke for the people with the same fervent democratic spirit that characterized his opposition to slavery. He knew the motives that were actuating men in their importunities for government favors. He had as keen and as sensitive an appreciation of the financial honor of the nation as any man of his time. He saw the bearings of this financial legislation upon the burdens which his government was undergoing and upon the prosperity of his fellow-countrymen.

public of what ought to be obvious to all, that gold inflation is as bad as any other kind, and that sound money that is really honest demands emancipation "from fluctuations in either direction of the purchasing value of the monetary unit," and that business "may suffer from gold inflation which comes from natural causes as truly as from inflation through legislative enactment." This helps to get the dust out of the eyes of the public.

His record upon this subject, as upon all others, manifested a yearning for the welfare and prosperity of the masses, an unfaltering purpose to resist special favors and to promote a democratic equality for all. He had a burning scorn for graft, pretense, and hypocrisy. He proved that he was ready to stand, like a great commoner in the halls of legislation, to speak for the interests of the toiling masses and the honest wealth-producers of his country, and in resistance to those who were seeking special privilege in legislation. The time will come when his opinion and services in this great crisis will bring a reward in appreciation and gratitude that has not yet been accorded to him.

CHAPTER XII

RECONSTRUCTION DURING THE WAR

IN the latter part of April, 1862, New Orleans was captured by the Federal forces. Soon after this event Union men under the protection of the army began to form associations to develop loyal sentiment in the state. There were two parties of opinion among those who wished to restore a Union state government. One wished to have an election under the old Constitution of 1852, on the ground that the act of secession and the Constitution of 1861 were void and, consequently, that the Constitution of 1852 was still in force. The other wished to hold a constitutional convention, recognize the abolition of slavery, and form a new constitution.

In August, 1862, General George F. Shepley, who had been mayor of New Orleans under the military administration of General Benjamin F. Butler, was appointed by President Lincoln as Military Governor of Louisiana. This may be regarded as the first step in the restoration of Federal government in that state. It was the first step in any attempt at reconstruction.

In December, 1862, Governor-General Shepley, by permission of the President, ordered an election for members of Congress in the districts over which his military jurisdiction extended. Lincoln cautioned the

Governor-General against the choice of Northern men at the point of the bayonet, which, he said, would be "disgraceful and outrageous."

Two citizens of Louisiana, Messrs. Hahn and Flanders, were elected to Congress at an election in which 7760 votes were cast, and on February 9, 1863, these men were admitted to seats in the House of Representatives. Their being seated shows that Congress at this time was disposed to encourage and promote an easy restoration of the seceded states and to recognize any respectable body of loyal people in Louisiana as the "State," if they would act in harmony with the Federal authority.

Lincoln wished to avert the inconveniences arising from military occupation. The way, he said, was for the "people of Louisiana simply to take their place in the Union upon the old terms."¹ "Let the people of Louisiana who wish protection to person and property reach forth their hands and take it; let them reinaugurate the national authority and set up a state government under the Constitution. The army will be withdrawn as soon as such state government can dispense with its presence; and the people of the state can then, upon the old constitutional terms, govern themselves to their own liking."²

Lincoln was evidently anxious to restore old relations, and he was disposed, as far as the executive power was concerned, to offer most liberal terms, requiring as few conditions and changes as possible.

Nothing more was done with reconstruction in

¹ *Works of Lincoln*, pp. 214-215, Letter to Reverdy Johnson.

² Lincoln's Letter to Bullett, July 28, 1862, *Works*.

Louisiana until December, 1863. It was then that Lincoln set forth his plan of reconstruction, as far as he may be said to have had a plan, in his message to Congress and in his accompanying proclamation of December 8, 1863. In his proclamation which may be called a Proclamation of Amnesty and Reconstruction, Lincoln offered full pardon (with excepted classes) for all participation in rebellion, "with restoration of all rights of property, except as to slaves," upon condition that every person so pardoned should take an oath thenceforth faithfully to support, protect, and defend the Constitution of the United States, and to abide by all laws and proclamations of the Federal government made during the existing Rebellion having reference to slaves, so far as not modified or declared void by a decision of the Supreme Court.

The exempted classes to whom the amnesty did not apply, were all civil and diplomatic officers of the Confederate States; all military and naval officers of the Confederate States above the rank of Colonel; all who left the judicial, congressional, or military service of the United States to aid the Confederacy; and "all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war."

Whenever in any one of the insurrectionary states "a number of voters, not less than one-tenth in number of the votes cast in such state at the presidential election of 1860, shall establish a state government which shall be republican, such shall be recognized as the true government of the state"; and such state was to receive the benefit of the guarantee clause "of the

Constitution in so far as it gave to the President power " to guarantee to each state a republican form of government. The state was also promised protection against invasion and domestic violence. Any provision adopted by such state government concerning free men which shall recognize their permanent freedom will not be objected to by the national government. Subject only to these modifications the newly constructed loyal state government was to be as it had been before the Rebellion, in name, boundary, subdivisions, constitution, and its general code of laws. It was recognized that whether members sent to Congress from any state shall be admitted to seats rested exclusively with the two houses and not to any extent with the Executive.

This proclamation was intended to present to the people of the insurrectionary states a mode by which the national authority and loyal state governments might be reestablished; and " while the mode is the best the Executive can suggest with his present impressions it must not be understood that no other possible mode would be acceptable."

Lincoln asserted in his annual message of the same date that in this proclamation nothing had been attempted but what " is amply justified by the Constitution." He recognized that to guarantee and protect a revived state government constructed from the very elements against whose hostility and violence it was to be protected was absurd. " There must be a test by which to separate the opposing elements so as to build only from the sound; and that test is a sufficiently liberal one which accepts as sound whoever will

make a sworn recantation of his former unsoundness."

As a test for the recognition of statehood and restoration to the Union Lincoln felt that he had a right to require not only an oath of allegiance to the Constitution and the Union, but also to the laws and proclamations in regard to slavery. These had been of aid in suppressing the Rebellion; there must be a pledge for their maintenance. To abandon them would be "an astounding breach of faith." He would not retract or modify the Emancipation Proclamation. Support of these should be included in the oath; and the Executive, Lincoln contended, might lawfully claim it in return for pardon and restoration of forfeited rights which he had "clear constitutional power to withhold altogether, or grant upon terms which he shall deem wisest for the public interest." This part of the oath he deemed subject to modification by legislation or judicial decision.

As a reason for his proclamation at this time President Lincoln said that there seemed to be elements in some states ready for resumption, but they remained inactive apparently for want of a plan of action. "By the proclamation a plan is presented which may be accepted as a rallying point, and which they are assured in advance will not be rejected here. This may bring them to act sooner than they otherwise would."¹ President Lincoln was under the impression that a majority of the people in all of the seceded states were really in favor of the Union, and he wished to erect a standard around which these loyal people would be

¹ Lincoln's Message, December 8, 1863.

encouraged to rally and make their influence potent for the restoration of the Federal authority.

In pursuance of this policy of Lincoln, on January 8, 1864, a Free State Convention was held in New Orleans in harmony with the national administration. It accepted the Emancipation Proclamation as the basis of its action. General Banks, the military commander, by a proclamation of January 11, 1864, following the request of the convention, appointed February 22, 1864, for an election for state officers, and March 4th for their installation. Banks recognized the Constitution of 1852 as still in force; the act of secession and the Constitution of 1861 were held as void. No election was ordered for members of the Legislature for the obvious reason that there was only one-third of the state within the Union lines where an election could be held, and, therefore, there were not enough counties, or constituencies, to elect a majority of the Legislature. Less than a majority was not a quorum; no business could be transacted, no state officers could be legally paid by the state without a quorum, as that could be done only by an appropriation made by law. Yet it was held that a Governor could be elected by a few loyal people under the protection of Federal arms.

More than eleven thousand votes were cast in the election for Governor, or more than a fifth of the vote of 1860. Michael Hahn was elected Governor as the representative of the President's policy, and was installed on March 4, 1864. The next step was an order from the new Governor for an election of delegates to a constitutional convention to revise the con-

stitution so as to bring it into harmony with the new conditions created by the war. On March 15, 1864, President Lincoln recognized Hahn as Governor of Louisiana, "invested until further orders with the powers exercised hitherto by the Military Governor of Louisiana." He was to be a trial Governor in a trial state created and sustained by military power, whose existence was to continue at the discretion of the executive power of the United States.

President Lincoln congratulated Hahn on having fixed his name in history as "the first Free-State Governor of Louisiana," and in speaking of the approaching state convention for the formation of a new constitution and the defining of the elective franchise, President Lincoln suggested "for your private consideration, whether some of the colored people may not be let in, as for instance the very intelligent, and especially those who have fought gallantly in our ranks." This was one of the first official suggestions of negro suffrage.¹

Lincoln's plan of reconstruction for Louisiana was completed by the state convention which met in April, 1864. By a vote of seventy to sixteen the convention declared slavery to be abolished forever within the state. Suffrage was restricted to white males above the age of twenty-one, but the legislature was empowered to confer the voting privilege on negroes in harmony with the principles suggested by Mr. Lincoln. On September 6, 1864, the Constitution was adopted by the people by a vote of 6836 in its favor to 1566 against it. As the total vote of Louisiana in 1860 was

¹ Blaine, II, pp. 39-40.

50,510 it was seen that the new state government had more than fulfilled the requirement of the President's proclamation, about 16 per cent. of the vote of 1860 being cast in the election for the adoption of the constitution.

Thus in the fall of 1864 Lincoln was able to say that "a very fair proportion of the people of Louisiana have inaugurated a new state government, making an excellent new constitution,—better for the poor black than we have in Illinois. This was done under military protection, directed by me, in the belief, still securely entertained, that with such a nucleus around which to build we could get the state into position again sooner than otherwise." ¹

The President's plan of reconstruction had so far been completed, and Louisiana was under the form of a loyal government. But it was known by all that this reconstructed government could not maintain itself for a day if the military support of the nation should be withdrawn. Similar action was taken in Arkansas. Isaac Murphy, a Union man, was elected Governor in that state, an anti-slavery constitution was adopted, a government was installed and Senators and Representatives were elected to Congress,—all in the early spring of 1864.

This was the plan that the President proposed to put into operation for the other states as fast as the circumstances and the advance of the national arms would permit.

We turn now to see how this presidential work in

¹ November 14, 1864, *Works*, Vol. II, p. 597.

reconstruction was received in congressional circles.

The President's scheme and all that had been done in pursuance of it were destined to fall between two fires in the halls of Congress. The Democrats who were always ready to put themselves in opposition to whatever the President undertook for the suppression of the Rebellion, fell upon it with their usual cries of "usurpation" and "violation of the Constitution." The blessed Constitution was the constant resource upon which they relied to hamper and embarrass the administration as much as they could. According to this conservative Democratic view, this "Amnesty-Reconstruction Proclamation" of the President was a naked act of power, a rank usurpation for the abolition of slavery, prompted by hostility to the domestic policy of the South more than by a desire to restore the Union. The fact of war was nothing; the sacred Constitution was still unimpaired, and the President's powers were as much prescribed and limited in war as in peace. The only oath that Lincoln had a right to impose on the people of Louisiana was an oath to support the Constitution; the oath that he had proposed was unknown to that great instrument. "It is loyalty to proclamations, not to the Constitution, on which Mr. Lincoln would rebuild his republican states." . . . "A state government founded on one-tenth of the people and dictated by himself; shades of our fathers! are these the kind of republican states that are to perpetuate the American Union!"¹ The

¹ Holman, of Indiana, in the House, March 12, 1864, *Globe*, pp. 1063-1064. Holman's speech is here interpreted as a typical speech of the Democratic opposition.

states in rebellion, it was maintained, were still states in the Union. The Constitution embraces them. The President has no authority to fix any conditions not fixed by the Constitution, as a basis for their recognition as states. His only duty is to execute the law, to subdue the armed power that for the time being suspends the authority of the Constitution; and it is not within his province to organize civil government. When the Rebellion is subdued the states are restored by that very fact, without conditions and without change. No note was to be taken of the wrong and penalty attaching to rebellion.

The Democrats, therefore, rejected the President's plan for restoration because he had imposed a condition for the seceded states — namely, the abolition of slavery — that the Constitution did not impose. He was acting in excess of power and was requiring too much, in violation of the sacred Democratic slogan, "The Union as it was, the Constitution as it is."

On the other hand, Lincoln's policy fell athwart the opinions and purposes of the radical anti-slavery men in Congress. According to these radical congressional leaders the President was requiring too little, and he was, as they also held, acting in excess of power in presuming, without the assent of Congress, to reestablish civil government in conquered territory, and in reorganizing states there, and in laying down conditions on which they might be restored to the Union. All these were functions of civil government, not of military power; they were preroga-

tives of the law-making body, not of the Executive; they belonged to Congress, not to the President.

By the time the Arkansas Senators came to claim seats in the Senate it was seen that the majority of the Senate were not in sympathy with what was called the Lincoln "ten per cent., short-hand method of reconstruction." Mr. Sumner offered a resolution, on May 27, 1864, asserting that a state "pretending to secede from the Union and battling against the general government to maintain that position must be regarded as a rebel state subject to military occupation and without representation on this floor until it has been readmitted by a vote of both houses of Congress." This was the position that the two houses of Congress subsequently took toward President Johnson. The Senate now took the position that the Rebellion was "not so far suppressed in Arkansas as to entitle that state to representation in Congress," and the Arkansas Senators were refused their seats.

This radical disposition in opposition to Lincoln's work in reconstruction was also reflected in the House, especially by Stevens, at the opening of Congress in December, 1863. Before the Thirty-eighth Congress was organized, while the Clerk was still presiding, Stevens called for the credentials "of the persons claiming to be representatives of the so-called state of Louisiana." After the credentials were read Stevens offered a resolution directing that the names of the members from Louisiana be stricken from the roll of the House. This was objected to on a point of order. The point of order was sustained by the Clerk, where-

upon Stevens withdrew his motion, being satisfied with having made his protest against the appearance of the names of the Louisiana members on the rolls, since he wished in no way to recognize, even by silence or acquiescence, the legitimacy of any "state" in Louisiana.

In his notable speech of January 22, 1864, Stevens discussed at some length the constitutional status of the seceded states and their relation to the United States. He deplored the great confusion of ideas and diversity of opinions, and he urged upon Congress and the country the essential importance of a clear, safe, and logical theory on that subject. He again set forth his view that the South, being *de facto* an independent belligerent, the Constitution and the laws of the Union were abrogated in respect to these states and their people; that the law of nations alone would limit the conqueror in determining the conditions to be imposed as the basis of a restored Union.¹ This would strengthen the nation, give the general government a free hand, and simplify the problem. In opposition to this practical policy he described the confusing and weakening theory that the rebellious states were still in the Union, entitled to the protection of the Constitution and the laws; that whenever these "wayward sisters" choose to abandon their frivolities and come back and send Senators and Representatives to Congress, then, notwithstanding all they have done, we must receive them, give them all the privileges of loyal men and loyal states, and "throw over them

¹ See p. 218.

the protecting shield of the Union, of which it is said they had never ceased to be members.”¹

To Stevens a decision between these two views was a matter of vast moment to the outcome of the war and the future of the country. He was dissatisfied with the mixture of military and civil processes in Lincoln's work and he was determined that no statehood should be recognized and civil rights restored in the South until Congress, representing the sovereign people of the loyal states, was satisfied with the conditions and guarantees imposed. To what Lincoln had done, if he were acting as a military conqueror, by the rights of war, he had no objections; but if what he had done were to be judged from the point of view of his functions as a civil ruler, as President of the United States, then Stevens felt that there were very weighty and decisive objections. He acknowledged that his own views as to the war powers of the government were not acceptable to either house of Congress when he announced them in the extra session of 1861, but now he professed to see in the President's plan an endorsement of his views, and he sought to show that only on the basis of his (Stevens') doctrine could Lincoln's plan of reconstruction, or any other be approved and carried out.

“In details,” he said, “we may not quite agree; but his plan of reconstruction assumes the same general grounds. It proposes to treat the rebel territory as a conqueror alone would treat it. His plan is wholly outside of and unknown to the Constitution. But it

¹ *Globe*, January 22, 1864, p. 316.

is within the legitimate province of the laws of war. His legal mind has carefully studied the law of nations and reached a just conclusion.

“The condition of the rebel states having been thus fixed, reconstruction becomes an easier question, because we are untrammelled by municipal contracts and laws,—that refuge of conservative sympathizers with our ‘erring brethren.’ The President may not strike as direct a blow with a battering-ram against this Babel as some impetuous gentlemen would desire; but with his usual shrewdness and caution he is picking out the mortar from the joints until eventually the whole tower will fall. . . . When the free North shall be united; when that odious party which is inspired by the love of slavery alone shall have sunk into utter contempt and be despised of all men, then will the traitors’ hearts sink within them; then will the brave freemen of the North, having crushed into atoms the ephemeral empire whose cornerstone was slavery, establish a united and enduring nation on the solid foundation of universal freedom.”¹

The rising opposition in Congress to the President’s work in reconstruction soon found expression in the shape of a congressional measure. On December 19, 1863, on motion of Mr. Henry Winter Davis, of Maryland, that part of the President’s message relating to “the duty of the United States to guarantee a republican form of government to the states in which

¹ *Globe*, January 22, 1864, pp. 318–319. In other parts of this speech which I have incorporated in a previous chapter, Stevens indicates his fundamental objection to any plan of reconstruction that would treat the rebel states as states within the Union, with rights under the Constitution. See pp. 218–304.

the governments recognized by the United States have been abrogated or overthrown," was referred to "a select committee of nine to be named by the Speaker, which shall report the bills necessary for carrying into execution the foregoing guarantee." Davis's purpose was to have Congress see to it, when armed resistance had ceased in the area of rebellion, that the restored governments should be republican in form.

Mr. Davis, the chairman of this special committee, introduced a bill in the House designed to carry out this purpose¹ which came into the open House for discussion on March 22, 1864. This bill, after passing the House, was managed in the Senate by Mr. Wade, of Ohio, and it came to be known as the "Wade-Davis Plan of Reconstruction." It was what Congress saw fit to propose as a counter plan to that of the President. Its provisions may be briefly summarized as follows:

1. The President was to appoint Provisional Governors, who, as soon as military resistance ceased, were to enroll the white voters and submit to each voter an oath to support the Constitution.

2. When a majority of these voters should take the oath of allegiance the Governor was to order an election of delegates to a constitutional convention.²

3. It was to be the duty of the convention to declare for the people of the state their submission to the Constitution of the United States, and to involve three

¹ February 15, 1864.

² In the original draft of the bill one-tenth of the voters were required to take the oath before an election of delegates to a convention might be held, but opposition and pressure brought Davis to accept an amendment requiring a majority. Davis in the *Globe*, May 4, 1864, p. 2107.

fundamental provisions in their organic law: First, no one who had held an important office under the Confederate government or a military office as high as the rank of Colonel, should be allowed to vote for, or be a member of, the Legislature, or to vote for, or be elected, Governor; second, slavery should be forever prohibited and freedom of all persons guaranteed; third, no debt, state or Confederate, created in aid of the Rebellion should ever be paid.

4. When the new state constitution should be so framed and had been adopted by a majority of the popular vote as enrolled, the Provisional Governor was to notify the President and the President, after obtaining the assent of Congress, was to recognize the state government as the legitimate and constitutional government, under which Senators and Representatives to Congress might be chosen by the people.

5. The bill abolished slavery at once in all the rebellious states and imposed penalties for the violation of this provision.

It will be seen that this plan differed with the President's in three essential respects. In the first place it claimed that reconstruction was a legislative problem, not an executive problem. In the second place, it required the loyalty of at least a majority of the adult whites, instead of only one-tenth. In the third place, it asserted the power of Congress to abolish slavery within the limits of the rebellious states, dealing with the states in this respect as districts, or territories, under the control of the central government, and not as states in the Union.

The bill, and Mr. Davis, its author, in defense of

it, spoke of the rebellious states as "states whose governments have been overthrown." The purpose of the national legislature in this act was to restore civil government on the basis of permanent peace. "The bill," said Mr. Davis, "challenges the support of all who consider slavery the cause of the Rebellion, as well as those who seek to insure freedom and peace, the first fruits of the war, by adequate legislation." Davis claimed that his measure was entitled to the support of those who held, like Stevens, that the Rebellion "has placed the citizens of the rebel states beyond the protection of the Constitution, and that Congress, therefore, has supreme power over them as over a conquered enemy," as well as of "that other class who think that they have not ceased to be citizens and states of the Union, though incapable of exercising political privileges under the Constitution, but that Congress is charged with a high political power by the Constitution to guarantee republican governments in the states, and that this is the proper time and mode of exercising it."

This power to guarantee republican government in the states is one of the class of plenary powers conferred upon Congress, in its nature without limitation, intended to meet just such emergencies in our national life. The secession governments were usurpations against the authority of the United States. They do not recognize the Constitution of the United States, and the Constitution can not recognize them. "There can be no republican government within the limits of the United States that does not recognize, but does repudiate, the Constitution." The seceding

governments, being usurpations, can not be guaranteed; they must be suppressed and expelled. When we have suppressed the military usurpation in the South there will be no form of state authority that Congress can recognize. "Our success will be the overthrow of *all* semblance of government in the rebel states. The government of the United States is, then, in fact the only government existing in those states, and it is there charged to guarantee them republican governments. . . . The duty of guaranteeing means to accomplish the result; . . . that republican government shall exist; that everything inconsistent with it shall be weeded out," Congress itself being the judge. . . . "Until Congress recognize a state government organized under its auspices, there is no government in the rebel states except the authority of Congress."

Davis asserted, what every one recognized to be true, that there is now no rebel state held by the United States, enough of whose population adheres to the Union to be entrusted with the government of the state. "One-tenth can not control nine-tenths. Five-tenths are nowhere willing to undertake the control of the other five-tenths. Nowhere does such a proportion exist who can safely be trusted with the powers of a state government, carrying with it the right of taxation, the existence of courts, the appointment of officers, the command of the militia, the supremacy in the internal concerns of the state, and the right to participate in the government of the United States, by Representatives, Senators and Electors." No one believes that "any respectable proportion of the people of the Southern States now in rebellion are

willing to accept any terms that even our opponents on the other side of the House are willing to offer them."

Davis denounced Lincoln's plan as a government "of doubtful existence, half civil and half military; neither a temporary government by law of Congress, nor a state government; something as unknown to the Constitution as the rebel government that refuses to recognize it." The proclamation of the President to which an oath of allegiance is required may subsequently be found by the state courts to be invalid. The proclamation declared that certain negroes were to be recognized as free, while others were to remain slave. Were these proclamations on slavery, to which an oath of adherence is demanded, within the authority of the Executive? "How local state governments created by the Southern people will decide such a question *no one can doubt*." If left to their choice they will maintain slavery, but if they are required to give it up as a condition precedent to restoration they will abandon it. This must not be left as the President leaves it, to be merely a judicial question. It must be settled by a supreme political jurisdiction, and instead of arguing before the courts the legality of the proclamation of freedom *it must be enacted into law*. The paramount political power of Congress should proceed to reorganize governments in those states, to impose such conditions as it thinks necessary, to refuse to recognize any governments there which do not prohibit slavery forever, and to take the responsibility of saying, in the face of those clamoring for speedy recognition of governments tolerating slavery, that the

safety of the people of the United States is the supreme law, and that Congress is the body authorized to express that will.¹

As between these principles and those on which the President appeared to be acting, Davis and the congressional leaders undoubtedly represented the safer and the sounder political science. If the states were out of their normal relation to the Union, without equal rights with the other states, and if conditions were to be imposed for their restoration, Congress was undoubtedly the power to determine what rights were impaired and what the conditions of restoration should be. The doctrine of Davis and his bill was not as clear and as unmistakable as that of Stevens; there was more of uncertainty and inconsistency about it. It denied the simple "restoration theory" of the Democrats, but it did not distinctly affirm, with Stevens, that the seceded states were out of the Union, without any rights under the Constitution. If Stevens' position were admitted, namely, that the Southern States were in the Confederacy and not in the Union, which was the undoubted fact, all bodies of opinion in Congress would then agree that the states would have to be reorganized, readmitted, and that power could be exercised only by Congress itself.²

This measure of the majority party, like Lincoln's policy, met with Democratic opposition, as was expected. Mr. George H. Pendleton, of Ohio, gave, perhaps, the most forcible and outspoken expression to

¹ Henry Winter Davis, in the House, March 22, 1864, *Globe*, Appendix, First Session, Thirty-eighth Congress, pp. 83-85.

² See Holman's speech, *Globe*, March 12, 1864, p. 1064.

this opposition. "At last," he said, "the mask has been thrown off, the pretenses laid aside, and the purposes of the Republican party have been acknowledged,"—in this bill that "defines their ideas of Union and interprets their construction of the Constitution." "We have had double-dealing, hypocrisy, and fraud for the last three years,—false professions, false names, double-faced measures. We have had armies raised, taxes collected, battles fought under the pretense that the war was for the Union, the old Union, the Union of the Constitution. These were now seen to be mere catchwords for the patriotic people, to be sneered at in secret conclave as devices to ensnare the innocent, to deceive the ignorant, to coax the obstinate. Now the veil is drawn and the revolutionary purpose of the party is revealed. That purpose is to destroy the government, to change its form and spirit, to make a new Union, to ingraft upon it new principles, new theories, new powers. It is rebellion against the Constitution, differing in nothing from its armed enemies except in the weapons of its warfare.¹

"Those who support this revolutionary bill should admit that they are revolutionists, that they do not wish to restore the old order and the old Union. . . . Where is the authority to declare state governments overthrown, to reconstruct them, to appoint a Governor, to call a convention, to remodel state constitutions, to fix qualifications for voters and state officers, to dictate what debts a state shall or shall not pay, or

¹I do not here make exact quotations from Pendleton's speech, but I reduce and summarize what he said without impairing his meaning.

to declare that slavery shall not exist within the limits of a state? The Constitution gives to Congress no authority to prescribe a single one of these conditions, as proposed by the bill; and a republican form of government within the Union is compatible with a state's refusal to provide for any of them.

"Virginia, in repealing the ordinance by which she ratified the Constitution, merely breaks a link of confederation, annuls a bond of union; she repeals but a single law, while her constitution, her laws, her political polity, are untouched.

"Gentlemen must not palter in a double sense. Those acts of secession are either valid or they are invalid. If they are valid they separated the state from the Union. If they are invalid they are void; they have no effect. The state officers who act upon them are rebels to the Federal government; the states are not destroyed; their constitutions are not abrogated; their officers are committing illegal acts, for which they are liable to punishment; the states have never left the Union, but so soon as their officers shall perform their duties or other officers shall assume their places, will again perform the duties imposed and enjoy the privileges conferred by the Federal compact; and this not by virtue of a new ratification of the Constitution, nor a new admission by the Federal government, but by virtue of the original ratification and the constant, uninterrupted maintenance of position in the Federal Union since that date. . . .

"The seceded states are either in the Union or out of it. If in the Union their constitutions are untouched, their state governments are maintained, their

citizens are entitled to all political rights, except so far as they may be deprived of them by the criminal law which they have infringed. . . .

“The monstrous doctrine of this bill and its authors has no foundation in the Constitution. It subjects all the states to the will of Congress; it places their institutions at the feet of Congress. It creates in Congress an absolute unqualified despotism. The rights of the people of the state are nothing, their will is nothing. My own state of Ohio is liable at any moment to be called in question for her constitution. She does not permit negroes to vote. If this doctrine be true, Congress may decide that this exclusion is anti-republican and by force of arms abrogate that constitution and set up another permitting negroes to vote. From that decision of the Congress there is no appeal to the people of Ohio, but only to the people of Massachusetts, New York, and Wisconsin, at the election of Representatives; and if a majority can not be elected to reverse the decision, the people of Ohio must submit. Woe be to the day when that doctrine shall be established, for from its centralized despotism we will appeal to the sword.

“If this be the alternative of secession I should prefer that secession should succeed. I should prefer to have the Union dissolved, the Confederate States recognized; aye, more, I should prefer that secession should go on, if need be, until each state resumes its complete independence. I should prefer thirty-four republics to one despotism. . . . I would rather live a free citizen of a republic no larger than my native county of Hamilton than be the subject of a more

splendid empire than a Cæsar in his proudest triumphs ever ruled, or a Napoleon in his loftiest flights ever conceived.”¹

This seemed to bear out the charge of Stevens and the radical anti-slavery Republicans that the Democrats were more opposed to the administration and to what Congress was doing for the conduct and success of the war than they were to secession and rebellion. The Democrats were, at any rate, consistent,—they hung together, equally opposed both to the plan of Lincoln and to the plan of Congress.

The basis of this opposition, which is here reproduced at such length, was the old-school, decentralizing, states rights conception of the Constitution, and the purely theoretical, impractical idea that the Constitution applied to all the states alike, to those that had repudiated it and had gone into rebellion as well as to those loyal to the Union.

This Democratic view Stevens utterly repudiated and despised. It was difficult for him to believe that men who were not fools could bring themselves to announce and defend it from any other motive than sympathy with the Rebellion and from a desire to embarrass the conduct of the war. But neither was Stevens satisfied with the Wade-Davis plan. His objections were that it partially acknowledged the rebel states to have rights under the Constitution, which he denied; the war had abrogated them all. He criticized the bill because it “takes for granted that the President may partially interfere in the civil administration of the Southern States, not as conqueror, but as Presi-

¹ Pendleton, *Globe*, May 4, 1864, pp. 2105-2107.

dent of the United States; and because (and this to Stevens was the most objectionable feature of all) it took away the chance of confiscation of property of the rebels." ¹

Stevens restated his doctrine of the belligerent rights of the nation, which should control the government's action toward the rebel states in the war.² He noticed the sharp and extensive criticisms which his position had called forth.³ He restated his argument from international law, quoting Vattel and other authorities to justify confiscation by a conqueror in a just war, and he would leave the House and the country to decide whether this war was just.

"Yet," he said, "we hear a howl of horror from conservative gentlemen at the inhumanity of the proposition. A band of men sufficiently formidable to become an acknowledged belligerent, have robbed the treasury of the nation, seized the public property, occupied our forts and arsenals, severed in twain the best and most prosperous nation that ever existed, slaughtered two hundred thousand of our citizens, caused a debt of two billion dollars, and obstinately maintain a cruel warfare. If we are not justified in exacting the extreme demands of war then I can hardly conceive a case where it would be applicable. . . . No one advises the execution of the extreme right. But the

¹ *Globe*, May 2, 1864, p. 2041.

² See pp. 218, 304.

³ Stevens seemed unable to refrain from indulging in another thrust at Francis P. Blair, whom he denounced as "a political Ishmael who, having apostatized from all the principles which once gave him credit with the people, has no sympathy with any body of men, in or out of the House, except his own family circle."

right exists and ought to be enforced against the most guilty. To allow them to return with their estates untouched, on the theory that they have never gone out of the Union, seems to me rank injustice to loyal men.”¹

Stevens held boldly and consistently to the fact,—that the seceded states were out of the Union. If they were not and had all the rights of the other states and should come here at the next presidential election and claim them,—where would such a doctrine lead? “It leads you to subjection to traitors and their Northern allies. If they are in the Union, where are their Representatives on this floor? Every one of the United States is entitled to have members here and Senators in the other branch. Where are these evidences of existing states? They are at Richmond, where the Congress of the Union does not sit.”

Stevens was anxious that Congress in its conduct with reference to the rebellious states should set no precedent that might subsequently be embarrassing, and that legislation on this line should be based on sound doctrine. He had opposed the seating of Hahn and Flanders, the Representatives from Louisiana, in the previous Congress. He thought they had been admitted to seats “without any law or right,”² and he was now quite satisfied not to have been in any way personally responsible for such a precedent.³

¹ *Globe*, May 2, 1864, pp. 2041-2042.

² House, January 29, 1864, *Globe*, p. 412.

³ Stevens intimated that Hahn and Flanders had been favored on account of party service, since they had “gone off and stumped New England for two months and then come back and had their cases decided.” When he was asked by a Kentuckian whether if they would stump two months more he

He now wished the Davis bill to assert the full power of Congress and to deny all rights under the Constitution to the rebellious states. He offered a substitute for the bill expressing his doctrine. By arrangement with Mr. Davis, instead of having a direct vote upon his substitute, a portion of it was proposed as a preamble to the Davis measure, to be voted on separately. This asserted that "the Confederate States are a public enemy waging an unjust war, whose injustice is so glaring that they have no right to claim the mitigation of the extreme rights of war which are accorded by modern usage to an enemy who have a right to consider the war a just one, and that none of the states which, by a regularly recorded majority of its citizens, has joined the so-called Southern Confederacy can be considered and treated as entitled to be represented in Congress or to take any part in the political government of the Union."

This preamble was rejected by a vote of seventy-six to fifty-seven. When the bill was put on its passage without the Stevens doctrine and after Hubbard and Grinnell, of Iowa, announced that they voted for it under protest, Stevens announced, with due solemnity but amid the laughter of members, that he "refused to vote under protest." The Wade-Davis Plan passed the House May 4, 1864, by a vote of seventy-four to fifty-nine. It passed the Senate the last day of the session, July 4, 1864, and came to Lincoln for his ap-

would not be ready to admit them, Stevens replied that he thought he might be, "if they would stump Kentucky for emancipation."

proval less than one hour before the *sine die* adjournment of Congress. It was prevented from becoming a law by the "pocket veto" of the President. On July 8, 1864, Mr. Lincoln issued a proclamation to the country giving his reasons for not signing the bill.

He treated the Wade-Davis Bill as an opinion of Congress as to the best plan of reconstruction, a plan which he now saw fit to lay before the people for their consideration. The President stated that he himself had propounded a plan and that he was not prepared by a formal approval of this bill to be committed inflexibly to any single plan of restoration. He was also unprepared, he said, to declare that "the Free State constitutions and governments already adopted and installed in Louisiana and Arkansas shall be set aside and held for nought, thereby repelling and discouraging the loyal citizens as to further effort"; and he did not wish to recognize a constitutional competency in Congress to abolish slavery in a state. "But," said Mr. Lincoln, "I am at the same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the nation may be adopted, nevertheless I am fully satisfied with the system of restoration contained in the bill as one very proper for the loyal people of any state choosing to adopt it, and I am, and at all times shall be, prepared to give executive aid to any such people, so soon as the military resistance to the United States shall have been suppressed in any such state, and the people thereof shall have sufficiently returned to their obedience to the Constitution"; then he would be ready to appoint Military Governors and instruct them "to pro-

ceed according to the bill." Stevens, though he was quite dissatisfied with the Wade-Davis Bill, was supremely disgusted with the President's pocket veto and his defense of it. "What an infamous proclamation!" he wrote privately to a friend. "The President is determined to have the electoral votes of the seceded states, Tennessee, Arkansas, Louisiana, Florida and perhaps also South Carolina. The idea of pocketing a bill and then issuing a proclamation as to how far he will conform to it is matched only by signing a bill and then sending in a veto. How little of the rights of war and the law of nations our President knows! But what are we to do? Condemn privately and approve publicly! The conscription act weighs heavily on our people's judge, as I expected."¹

On April 5, 1864, Wade and Davis published in the *New York Tribune* a paper arraigning President Lincoln for his course on the Reconstruction Bill. They complained that the President, after defeating the act, proposed to appoint Military Governors over the rebel states, without law, and without the consent of the Senate. This was dictatorial usurpation which he had already exercised in Louisiana, and now he had defeated the bill to prevent the limitation of his power. A more studied outrage, said this manifesto, on the legitimate authority of the people had never been perpetrated; the President must understand that their support of his administration was that of a cause, not of a man; and that he must confine himself to his executive duties and leave political organization to Congress.

¹ Stevens' Papers, July 10, 1864.

The party division revealed by this controversy was not permitted to endanger President Lincoln's reelection. The method of reconstruction did not become an issue in the campaign, and all sections of the "National Union" party, as the Republicans were called in 1864, were united in Mr. Lincoln's support. After the election, when, in the congressional session of 1864-65, Senator Trumbull, chairman of the Senate Committee on the Judiciary, reported to the Senate a joint resolution recognizing the new government of Louisiana as legitimate, Sumner and Wade, and other radical Republicans joined the Democrats in opposition. Sumner asserted that the passage of the resolution would be "a national calamity" and he resorted to dilatory tactics to prevent a vote in the Senate. Sumner was chiefly concerned because negro suffrage was not provided for, though he also insisted that reconstruction was a legislative function, to be attended to by law, and not an executive function, to be carried out by military power.

Wade again denounced the President's plan with vigor. He spoke of the foundation of the government as "being swept away by executive usurpation"; he objected to the recognition of a state government that had been set up by Major-Generals, nor would he be compelled "to receive as associates on this floor these mere mockeries, these men of straw, who represent nobody." . . . "Talk not to me of your ten per cent. principle," he exclaimed. "A more absurd monarchical and anti-American principle was never announced on God's earth."¹

¹ *Globe*, February 27, 1865, p. 1128.

The recognition of Louisiana was defeated. Congress refused to count the electoral votes of Mr. Lincoln's reconstructed states, and the question of reconstruction did not again recur during Mr. Lincoln's term. The problem had been deferred, and neither the policy of Congress nor that of the President had triumphed. Lincoln had shown that he was not fixed beyond change in favor of any particular scheme of reconstruction. No doubt, he would have cooperated with Congress and the states in carrying out such a plan as Congress had proposed, if a change of circumstances had appeared to make his cooperation desirable. But the problems of war were then too pressing, and the outcome of the struggle was yet too uncertain, to permit the problem of civil reorganization to assume first place in the President's attention. That problem was to be bequeathed, unfortunately, by the untoward act of the assassin, to other executive hands.

CHAPTER XIII

JOHNSON AND RECONSTRUCTION

THE period of reconstruction includes the years from 1865 to 1876, from the end of the Civil War to the election of President Hayes, who by the withdrawal of the Federal troops from the Southern States left those states to govern themselves in all respects like the other states. "The Southern question" then ceased to be a dominant issue in American politics.

The problem of reconstruction was one of the most complex and delicate that ever confronted American statesmanship. It had to be met amid the disasters and passions of war. Unlike union in the formative period, reunion had to be brought about immediately after a period of internal strife that had aroused the bitterest feelings of hate and resentment. The conditions and estrangements leading to fratricidal war had not risen in a year; they could not be expected to die out in a year. The reader of our history in this dark period who is inclined to bewail the fact that reorganization and reconstruction were not brought about more rationally and more dispassionately, should bear constantly in mind the momentous factor of the popular feeling.

The task would, also, have been easier and simpler under a consolidated form of government. In that

case the absolute authority of the reorganizing power, triumphant by the issues of war, would have been recognized without question, and the controversies over constitutional rights and the limits of constitutional power would have been avoided.

The problem clearly involved a number of distinct factors. In the first place it required the reorganization of Southern State governments. The old state governments that had gone into secession were parts of a defunct Confederacy. When the Confederate government died, these state governments had to be set aside. All bodies of opinion in the Union recognized that these governments could no longer be allowed to exercise authority, and that new state governments, loyal to the Union and the Constitution, had to be erected in their stead. Moderate and conservative leaders in the North, Democrats as well as Republicans, who held that the states were indestructible, that they had endured without impairment throughout the war and that their constitutional rights and political status should be respected, still held that the governments of these states, having wrongfully attempted to secede, were illegal and disloyal. The agents of these governments were, in the category of "rebels" and "traitors," to be saved from a merited punishment only through the grace of conciliation and pardon. Consequently no exception was taken to the policy of President Johnson in directing the military commanders in the South to prevent the old legislatures from assembling, while the Governors of certain states — Brown, of Georgia, Clark, of Mississippi, Magrath, of South Carolina, Vance, of North Carolina, and Watts, of Ala-

bama — were arrested and imprisoned.¹ New state governments had to be set up on the ruins of the old.

In the second place, the restoration of the seceded states, with their new governments, to their proper relations in the Union had to be provided for. The Union had been broken for a time by secession and war and had to be restored. Was it to be the old Union or a new one? Was the maxim that had been raised so persistently, not to say pestiferously, by the Democratic opposition during the war, "the Union as it was, the Constitution as it is," — was this maxim to be the guiding principle and to have decisive weight in the councils of the restoring authority?

According to the Federal system which the fathers had made and to which the people had become accustomed, all matters of domestic concern in government were left with the people of the states. The national government for general affairs, the state government for local affairs, and in the allotment of governmental activities and powers it is a common observation that the state government touches the citizens a hundred times where the general government touches him once. In all matters of domestic concern, in the every-day life of the people, in their personal relations, in respect to their school laws, road laws, suffrage laws, police laws, laws of land tenure, contracts, torts, and marriage, — in all these matters and many others the Constitution, in dividing the functions of government between state and nation, had left the state supreme. This right of local self-government had existed before the Union was formed and to this idea the people had become

¹ Dunning, *Reconstruction*, pp. 35-36.

devotedly attached. This state loyalty had been as positive in the North as in the South before the war. Had the Civil War changed this old and revered system of government? Was there to be a new readjustment of powers? Were the states that had taken the Confederate view of the Union and had attempted secession in pursuance of their legal rights, as they conceived, to be treated like states of the Union? Or were they to be treated like conquered provinces to be subject in all their domestic concerns to the absolute authority of the central government. The Constitutional theory of the Union and of the effect of the war upon the relation of the states was one of the factors, and by no means a small one, in the problem of reconstruction.

In the third place, in determining the conditions of restoration and the reconstruction of the Union, a decision had to be made as to what should be the status of two classes of people,—those who had borne arms against the Union, and the slaves who had been made free by the war. Here was room for conflict and radical differences of opinion. The conflicts and discussions that arose from the efforts to meet these questions occupied a large part of the struggle in the period under consideration.

Such was the problem of reconstruction. If ever the nation needed wisdom, tact, and harmony in the councils of government, the spirit of bearance and forbearance, the dominance of reason and the subjection of passion, these qualities were needed then. Yet more than at any other period in American history, the period of reconstruction is distinguished by bitter-

ness, passion and resentment among the people, and by the most violent and unseemly quarrel between the legislative and executive branches of the government, a conflict that made the matter doubly difficult and that seems, in its misfortune and unhappiness, second only to the conflict in arms.

One of the potent factors in that conflict, and therefore one of the influential agencies in determining the course of events in reconstruction, was the personal character and disposition of Andrew Johnson.

Abraham Lincoln died on the morning of April 15, 1865. Three hours later Andrew Johnson, of Tennessee, took the oath of office of President of the United States. Johnson was born in Raleigh, North Carolina, December 29, 1808. His parents were uneducated and belonged to the class in the South known as "poor whites." The father died when Andrew was a mere child, and when he reached the age of ten he was apprenticed to a tailor. He had no early education, and it was while working at his trade that he learned to read, at the age of fifteen. At eighteen as a journeyman tailor, he moved with his mother to Greenville, Tennessee, where he had the good fortune to meet and marry Elizabeth McCardle, a woman of considerable education and refinement. His wife taught him to write and during the day she read to him while he was at work at his tailor's bench. Young Johnson showed a love for oratory and he read eagerly the speeches of Pitt and Fox and other English classics. He was a natural talker and this talent led him into politics. At twenty he became an alderman of Greenville, was later chosen Mayor and then was elected



FROM THE COLLECTION OF ROBERT COSTER

ANDREW JOHNSON, 1808-1875.
President of the United States, 1865-1869.

to the Legislature. In 1843 he was elected to the lower house of Congress, where he served for five terms, till 1853. He was then elected Governor of Tennessee, and in 1857 he was sent to the United States Senate. He was looked upon as a "Plebeian Democrat," and was called the "Mechanic Governor," as it was unusual in the South for such artisans to be elected to such high office.

Johnson was known in the Senate as a strict construction states rights Democrat, though socially it was recognized that he was not in the same class with the aristocratic Southern Senators. He shared with the common people of his section, the non-slaveholding majority, certain inherited prejudices against the master class. He owed nothing to them for his advancement and as a Southerner he looked upon the war, which he thought the slaveholders had brought upon the country, as "a rich man's war but a poor man's fight." In the campaign of 1860 he supported Breckinridge, the Southern Democrat, for the presidency. But he stoutly opposed secession in Tennessee and after the state had passed an ordinance of secession he retained his place in the Senate. He showed his unbending devotion to the Union in East Tennessee under times and circumstances when the fighting qualities were required and in boldness of speech and action that left it impossible to doubt the courage and integrity of his convictions. Evidently he was not in the habit of moving in the line of least resistance. In March, 1862, he was appointed Military Governor of Tennessee and he sought to cooperate with Lincoln in the restoration of his state to the Union. He was

in this office when he was nominated for the vice-presidency with Lincoln in 1864. It was his stanch Unionism and his work as Military Governor that led to his nomination. The Republican party in that year called itself the National Union Party, and it sought to call to its support all who would support the war for the Union and the vindication of the national authority, and in order to give itself a more national and less sectional appearance it refused Vice-President Hamlin a renomination and took up Andrew Johnson instead,—a mistake that caused the party, if not the country, bitter regret in the years immediately following.¹

It seems to be the consensus of opinion among the critics of Johnson that he lacked adaptation to the delicate task before him. He was stubborn, opinionated, a man of prejudice, was lacking in tact and was not sufficiently in touch with the different sections of the country. He did not have Lincoln's cautious method of feeling the public pulse before launching into a new policy. He lacked the faculty of harmonizing his advisers or of profiting by their opinions. Benjamin R. Curtis, who defended him in the impeachment trial, said: "Johnson is a man of few ideas, but they are right and true, and he could suffer death sooner than yield up or violate one of them. He is honest, right-minded, and narrow-minded; he has no tact and even lacks discretion and forecast."

¹ Colonel A. K. McClure relates that Stevens said to him after McClure had voted in the Convention of 1864 for the nomination of Johnson: "Can't you find a candidate for Vice-President in the United States without going down to one of those damned rebel provinces to pick one up?" *Lincoln and Men of War Times*.

Johnson took up the work of reconstruction where Lincoln laid it down. Their plans were identical. On May 9, 1865, the Pierpont government in Virginia, the shadow of a government, was recognized as the legitimate government of the state, and Lincoln's reorganized governments in Louisiana, Arkansas and Tennessee were assumed to be legitimate and their authority was recognized. Johnson began the work of reconstruction for the other seven states on May 29, 1865. On that day he issued a proclamation of pardon and amnesty for all who had taken part in the Rebellion, who were ready to take an oath to support and defend the Constitution. The offer did not apply to those who had already taken advantage of Mr. Lincoln's previous offers. There were certain excepted classes,—those who had held civil or military office under the Confederacy, or military office above the rank of Colonel; those who had left Congress or judicial stations of the United States to aid the Rebellion; those who had treated prisoners of the United States otherwise than as prisoners of war; those who had been engaged in destroying the commerce of the United States upon the high seas; those who had passed from the United States through the Confederate lines for the purpose of aiding the Rebellion; and those who had been under criminal or civil arrest or who had failed to keep the oath previously taken.

Johnson excepted six more classes than Lincoln, the most significant of the new classes being that of persons worth twenty thousand dollars or more, an exception which, as had been supposed, was prompted by Johnson's prejudices against the richer classes in the South.

These exceptions would have excluded almost all the men qualified by experience and training for leadership, but there were liberal provisions for restoration and escape, since pardon and clemency would come, as a matter of course, to the leaders who made personal application to the President. The great body of the people were amnestied as a whole.

On the same day (May 29th), President Johnson issued a second proclamation appointing a Provisional Governor of North Carolina and authorizing him to cause the election of delegates to a state convention for the reconstruction of the state and its restoration to the Union. The voters for delegates to the state convention should be those who were qualified to vote by the laws of North Carolina just prior to her secession in May, 1861, after taking the prescribed oath. The oath required as a condition of pardon and participation, an unqualified pledge to support all laws and decrees touching slavery. Any subordinate officer competent to administer oaths might administer the oath of loyalty, issuing a certificate of restored citizenship. County and municipal officers were directed to resume their functions, under the oath, and the certifying officer was almost brought to the door of every Southern household. "The mercy and grace of the government fell upon the great mass of those who had engaged in rebellion as gently and as plenteously as the rain from heaven upon the place beneath the foot of the offenders."¹ The excepted classes could take no part in reorganizing the state.

It appears that Johnson's Cabinet was evenly divided

¹ Blaine, II, p. 76.

upon a proposal to include the negroes in the new electorate, permitting "all loyal citizens" to participate in the government under provisions of law imposed on the state by Federal authority. Chief Justice Chase by letters from the South strongly urged this policy. Johnson was not friendly to negro suffrage but he was willing to see such colored men admitted as voters who were able to read the Constitution and write their names or who paid taxes on as much as two hundred and fifty dollars' worth of property. But this concession was made, not because Johnson believed in the political capacity of the negro or that he should be admitted to the rights of manhood, but as a means of "disarming the adversary" and of preventing the radicals "who are wild upon negro franchise" from "keeping the Southern States from renewing their relations to the Union."¹ While Johnson was willing to yield something upon the point of qualified negro suffrage allowed by the consent of the state, he was very positive in his position that the state should be left to decide. To prescribe suffrage rules, was not, in his view, within the scope of Federal power. "That was a power," as Johnson said, "which the people of the several states have rightfully exercised from the origin of the government to the present time." Congress, during the war, in the Wade-Davis Bill, had wrongfully presumed to fix the suffrage requirements, but even then it had proposed to restrict the suffrage to the whites. All but six of the Northern States denied the negroes the right to vote and one of these (New York)

¹ Johnson to Governor Sharkey, Garner's *Reconstruction in Mississippi*, pp. 84-85.

required of the black a property qualification not required of the white, and Johnson astutely said that he wanted to let all the states alike be independent in this matter.¹

Under the North Carolina proclamation the laws of the United States were to be put into operation within that state, the judges were to open the courts and the military officers were to render all necessary military aid. The convention, or the Legislature, was to prescribe the qualifications of voters and the eligibility of persons to hold office under the state. The state was recognized as of old and was looked upon as simply amending its constitution in ways essential to meet the conditions of restoration. This involved "accepting the results of the war." President Johnson let it be known that he would hold these results to be secured essentially if the state consented to the following fundamental conditions:

1. The repeal of the Ordinance of Secession, or declaring it null and void.
2. The abolition of slavery, or the recognition of its abolition.
3. Repudiation of the debts incurred by the states in aid of the Rebellion.

On the basis of these conditions Johnson's plan of reconstruction proceeded. Proclamations similar to that for North Carolina were issued for the other states, appointing Provisional Governors and restoring local civil laws and authorities. During the summer and fall of 1865 elections were held in other states on the basis of the old suffrage; their constitutional con-

¹ Rhodes, V, p. 524.

ventions met, their state constitutions or laws were amended in the particulars required, and in October and November their people proceeded to elect members of Congress, United States Senators, Governors and State Legislators. When their legislatures met they were given to understand through the Provisional Governors that they were expected to ratify the thirteenth amendment. This they all did except Mississippi.¹ During this period the President had declared the cessation of armed resistance, the restoration of intercourse throughout the country, the raising of the blockade and putting all branches of the civil government into operation.²

Thus by the close of 1865, the states were all reorganized,³ the Provisional Governors appointed by the President were relieved of their duties, and the new governments were recognized as being in the full exercise of their functions. In brief, the United States government had, through executive action alone, reasserted its civil power and reassumed its civil functions and duties within the seceded states; legal and legitimate state governments were in operation; and every legal connection under the Constitution between the state and the national government had been fully restored. All that Congress was to do was to judge of the qualifications and elections of the members from

¹ See Garner, p. 120.

² When Texas, somewhat belated, had completed her reorganization on the terms imposed (April, 1866), Johnson in disregard of congressional rebuke and dissension, August 20, 1866, proclaimed the complete restoration of peace, order and authority throughout the United States. With this, he persistently held, the work of reconstruction was completed.

³ Except Texas.

the South who might come to Washington bearing the credentials of the Johnson governments. "The reconstruction conventions," says Mr. Blaine, "were little else than consulting bodies of Confederate officers under the rank of Brigadier General, actually sitting throughout their deliberations in the uniform of the rebel service and apparently dictating to the government of the Union the grounds on which they would consent to resume representation in the national Congress." Johnson's Provisional Governors were mostly made up of Southern Whigs who had opposed secession, but in the reorganizing conventions there were many active secessionists and as time passed by under the operation of amnesty and pardon this secession element came to the front in political activity and control, and the new state governments that were set up came under the control of men who had been active leaders in the Confederate cause. The thing that loomed large in the view of the people of the North was that the "unrepentant rebels" were again in control of their states and that such men were to be sent to Congress to help make laws for the nation. The new Governor of South Carolina had been a Confederate Senator, that of Mississippi, a Brigadier General in the Confederate army; a Confederate Major-General had been elected to Congress from Alabama,¹ and no less a person than Alexander H. Stephens, who, when Congress adjourned March 3, 1865, was acting as Vice-President of the Southern Confederacy, had the boldness with the iron-clad oath "staring him in the face, to lay his credentials on the table of the Senate as a

¹ Dunning, *Reconstruction*, p. 44.

Senator-elect from Georgia." The iron-clad oath imposed by act of Congress, of July 2, 1862, required of all who wished to qualify for any office of profit or honor under the United States government, to swear that he had never voluntarily borne arms against the United States, and that he had given no aid nor encouragement to any one engaged in armed hostility. The men who reorganized the Johnson governments in the South denounced this law as unconstitutional and in defiance of it the people elected men as Senators and Representatives in Congress who were, with few exceptions, active participants in the Rebellion.¹ "In his astounding effrontery," says Mr. Blaine, "Mr. Stephens even went so far as to insist on interpreting to those loyal men who had been conducting the United States government through all its perils, the Constitution under which they had been acting and to point out how they were depriving him of his rights by demanding an oath of loyalty and good faith as the condition on which he should be entitled to take part in legislation for the restored Union, as if every living man had forgotten that for four years he had been exerting his utmost effort to destroy the Constitution under which he claimed the full rights of a citizen." ²

If Johnson thought that Congress would accept quietly and without protest Southern State governments established in such conditions, it shows how sadly he misunderstood the temper and purpose of the North. The men who had borne the heat and burden of the war for the Union for four long years were not inclined to see the men against whom they

¹ Blaine, II, pp. 87-88.

² *Twenty Years*, II, pp. 88-89.

had fought immediately restored to places of power and influence in state and nation. Those who had been so long and so bitterly hostile to the Union had given no evidence of such change of spirit as entitled them to be replaced in power. If the President had organized state governments under the control of men who could have given reasonable guarantee to the North that they were loyal to the Union; and if these governments had shown a disposition to protect loyal citizens and to secure freedom and a "fair deal" to all the inhabitants of those states, Congress doubtless would have overlooked the manner of their organization and have restored them to their proper relations to the Union. Congress and the country were as anxious as the President that this be done on fair and honorable terms. But they also felt under a sacred obligation to safeguard the black man in his "new birth of freedom," and they were not willing that "the rebellious states should be ruled over by rebels and that Union men be persecuted for their loyalty."¹

With the opening of the Thirty-ninth Congress Johnson was to be given an opportunity to learn the strength of the Northern purpose in respect to reconstruction,—a purpose that had no expectation of being left out of the account. This Northern opinion, as reflected in Congress, Johnson seemed determined to override or ignore. How this opinion and Johnson's obstinacy came into collision the first session of the new Congress brings into view.

¹ Trumbull, 1867, *Harper's Monthly*, Vol. 34, p. 399.

CHAPTER XIV

THE BREACH WITH JOHNSON

THE President's plan of reconstruction was completed. Peace was declared to be restored, but there was to be no peace. The struggle in arms, it is true, had ended; but the country was on the eve of a political conflict unsurpassed in its history.

When the Thirty-ninth Congress met for its first session in December, 1865, the Clerk of the preceding House, whose business it was to make up the preliminary roll of members entitled to take part in the election of the Speaker and the organization of the House, omitted the names of those coming up with certificates of election from Johnson's reconstructed states. In this the Clerk was acting in obedience to the Republican party caucus which had been largely dominated by Stevens. The Clerk refused to listen to protests from the Tennessee members or to entertain motions from Democrats directing him to put on the roll the members-elect from Johnson's own state. The Constitution requires the President to be an inhabitant of a state. Brooks, a Democrat from New York, demanded to know, if Tennessee were not a loyal state and the people of Tennessee were aliens and foreigners to the Union, by what right the President usurped his place in the White House. If members-elect from Tennessee were not entitled to their seats because

their state was not in the Union, how was Johnson entitled to his? Was he to be looked upon as a usurping inhabitant of a territory? Brooks demanded a decision of this question before the Speaker was elected. In the preceding Congress members from Louisiana had been admitted in time of war; why should Tennessee now be refused in time of peace?

But the Republicans were largely in the majority; a program had been arranged, and under the leadership of Stevens, with this majority behind him, all attempts at debate or delay were overruled, and the Southern members were left off the roll.¹

Stevens had in his pocket the resolution which was to open the great contest with the President,—a contest most memorable in our congressional annals. He was taunted by Brooks, the Democratic leader, with the inquiry as to when, acting for his party caucus, he intended to press his resolution. "I have no objection to answering the gentleman," retorted Stevens; "I propose to press it at the proper time." Immediately after the election of the officers of the House, but before the reading of the annual message of the President, Stevens offered his resolution which provided for a joint committee on reconstruction to consist of nine Representatives and six Senators who should inquire into the condition of the Southern States and "report whether they or any of them are entitled to be represented in either house of Congress, and until such report shall have been made and finally

¹ Schuyler Colfax, of Indiana, was elected Speaker by a vote of 139 to 36, the minority vote being cast for James Brooks, of New York.

acted upon by Congress no member shall be received into either house from any of the so-called Confederate States." For the passage of this resolution Stevens moved the suspension of the rules and the previous question. This cut off debate, and the resolution carried by one hundred and thirty-three ayes to thirty-six noes. The members from Johnson's reconstructed states were not to be allowed the usual privilege of the floor while a decision was pending.

This summary action gave indication of the temper of Congress, showing that it was in no mood to accept Johnson's plan of reconstruction. It served notice that a contest was at hand, and that, at any rate, Stevens and his radical colleagues were determined to overthrow if possible what Johnson had set up. "Before that day," says Mr. McCall, "Stevens had been the leader of the House of Representatives. Henceforth he was to be its dictator and the leader of his party throughout the country."¹

Stevens was made chairman of the House Committee on Reconstruction and associated with him were such men as Bingham, Washburn, Boutwell, Conkling, and Morrill. Senator Fessenden, of Maine, was made chairman of the Senate Committee. On the second day of the session Stevens introduced three resolutions setting forth the terms of reconstruction that he wished to have imposed, to be incorporated by amendment into the fundamental law of the land. These resolutions and the notable speech of Stevens of December 18, 1865, in which he opened the great debate on reconstruction, may be said to lay down the es-

¹ *Life of Stevens*, p. 259.

sential reasons why Congress rejected the reconstruction policy of President Johnson and began to construct a policy of its own.

In the first place, Congress thought it was not the exclusive business of the President to carry on reconstruction. The problem of restoring the broken union was fundamental. It went to the roots of political power and the institutions of government. It far transcended the routine and technical question of whether men claiming to have been elected to Congress were of proper age and had been elected without fraud. It involved the problem of rebuilding the Union, the readmission of states that had foresworn their allegiance to the Constitution, and the reestablishment of local government in those states on the principles acceptable to the nation. This vast political problem of reconstruction, as we have seen, not only involved the destruction of the Confederate State governments of the South and the setting up of new governments in their stead and the restoration of these new governments in their proper place in the Union, all of which Johnson had undertaken to accomplish without the least shadow of constitutional authority, but also the legal and constitutional status of two important elements of the population had to be determined,—the negroes who had been set free by the war and the Confederate leaders who had for four years borne arms against the Federal government. It was absurd to suppose that Congress was to be barred from having any voice in the determination of these great questions of state. They involved powers and policies too large for the President alone. Was it short of

"preposterous," as Stevens said, for Johnson to assume such powers to himself? It belonged to the United States in Congress assembled to determine what should be the constitutional and civil results of the war and how these were to be made permanent and secure. There can be no doubt of the soundness of the political theory that Stevens now so forcibly laid down as the basis of congressional action.¹

The controlling provision of the Constitution in restoring the broken Union was where Stevens found it, in the power to admit new states. On this he based his policy of reconstruction. It has been called his "conquered province theory." It was a practical policy rather than a theory, and it was the same as that on which he sought to conduct the war for the Union. It was that the war had severed the original compact and broken all ties that had bound the states together. The power of Congress was absolute in the conquered states, and to their rights and immunities the Constitution had ceased to apply. They must now come in as new states or remain as conquered provinces, and Congress is the only power that can determine the conditions of readmission. "But suppose," says Stevens, "as some dreaming theorists imagine that these states have never been out of the Union, but have only destroyed their state governments so as to be incapable of political action," then the United States shall guarantee a republican form of government. The United States is not the Presi-

¹ Professor J. W. Burgess, of Columbia University, a leading American authority in political science and constitutional law, expresses very positive approval of Stevens' view. "*Reconstruction and the Constitution*," p. 43.

dent "but the sovereign power of the people," exercised through their representatives in Congress. This is the power that is to establish a republican form of government in lapsed or outlawed states.

"It is worse than ridiculous to hear men of respectable standing attempting to nullify the law of nations and declare that because the Constitution forbids it, the states could not go out of the Union in fact. The theory that the rebel states, for four years a separate power and without representation in Congress, were all the time here in the Union, is a good deal less ingenious and respectable than the metaphysics of Berkeley which proved that neither the world nor any human being was in existence. If this theory were simply ridiculous it could be forgiven, but its effect is deeply injurious to the nation. I can not doubt that the late Confederate States are out of the Union to all intents and purposes for which the conqueror may wish to consider them. After the palpable facts of war, to deny that we have a right to treat them as a conquered belligerent, severed from the Union in fact, is not argument but mockery." If the states were to be regarded as dead within the Union, from their own act of suicide, the only power that could reanimate them and make them capable of political action was in Congress. A law of Congress is necessary to revive a dead state, and until then no member can be admitted lawfully to either house. The provision that each house shall be the judge of the elections and qualifications of its own members has not the most distant bearing on this question. Congress must first

create states and declare when they are entitled to be represented.

Standing on this principle of congressional power in the solution of this problem, Stevens insisted upon two matters as of vital importance in the beginning of reconstruction. One was that it should be decided for all time what power was competent to "revive, recreate, and reinstate these provinces into the family of states"; the other was that none of the Southern States should be counted in adopting the amendments held to be necessary for the reconstructed Union. Congress should assert its sovereign authority. Stevens very much disliked the course Secretary Seward had assumed in counting the Southern States in making up the three-fourths necessary for the adoption of the thirteenth amendment. Such a position "was intended to delude the people and to accustom Congress to hear repeated the names of these extinct states as if they were alive." To Stevens' mind these states had "no more existence than the revolted cities of Latium," and he proposed to take no account of "the aggregation of whitewashed rebels who, without any legal authority, have assembled in the capitols of the late rebel states and simulated legislative bodies. . . . How shameful that men of influence should mislead and miseducate the public mind!"

Having established the power of Congress in the case, Stevens sought next to lay down the conditions for the readmission of the conquered states. These conditions should be fixed beyond recall by such constitutional amendments as would make the Constitu-

tion what its framers intended it to be and would "render republican government forever firm and stable."

One of his proposed amendments indicated the second essential reason why Congress and the country were not willing to accept Johnson's plan, namely, the necessity for the protection of the freedman. It provided that "all national and state laws shall be equally applicable to every citizen and no discrimination shall be made on account of race or color." Here is the germ of an important part of the fourteenth amendment,—the guarantee of civil rights to the negro. Stevens did not at this time propose to grant the right of suffrage to the freedmen, though he did not conceal his opinion in favor of that measure. He thought it would be brought about by the readjustment of representation. However, he spoke boldly for the defense of the freedmen under uniform laws and for their provision till they could take care of themselves. "The infernal laws of slavery," he said, "have prevented them from acquiring an education, understanding the commonest laws of contract, or of managing ordinary business of life. We must not leave them to the legislation of their late masters, but we must provide for them protective laws. . . . If we fail in this great duty now when we have the power we shall deserve and receive the execration of history and of all future ages."

Northern belief in the necessity of protection for the negro was one of the most potent influences leading to the rejection and defeat of Johnson's plan. The electorate that he had established precluded negro

suffrage, but far more important than that was the treatment accorded the freedmen by the Legislatures of Johnson's newly erected states.

The unfair discriminations visited upon the blacks by the vagrancy laws passed in the South in 1865 are a matter of common knowledge, and they need not be recounted here. Their unequal character seemed to General Sickles to call for the intervention of the military arm for the sake of civil liberty, and one of his military orders decreed that the vagrancy laws applicable to free white persons should be the only ones recognized as applicable to freedmen.¹ To the Northern mind it was made to appear that the design of these laws was the practical reenslavement of the blacks. "Vagrants," without visible means of support were to be put to forced labor, and the helpless blacks, for no other crime than that of poverty, might be "hired out" to masters, old or new, who would pay the public for their time and labor. These "black codes" aroused anger and indignation in the North and they were looked upon as having been enacted from a spirit of irritation and defiance because of the abolition of slavery. Stevens was convinced that the spirit of slavery still lived, and he had no doubt that if the freedom of their race was to be preserved the negroes should not be entrusted to the tender mercies of their former masters with political power in their hands. Stevens had in view, but held in abeyance, his policy on this phase of reconstruction. But he sought here, in the beginning, to emphasize the principle that the protection of civil rights and civil equality was a na-

¹ *Cong. Globe*, March 10, 1865.

tional function ; that the Constitution should require the states to treat their own inhabitants with equality in regard to their civil rights, and that the only way these civil rights could be secured was by national law. He would place that guarantee where it could never be undermined nor overthrown.

A third reason why Congress would not accept Johnson's plan was that it left the Southern States and their elections entirely within the control of the Confederates. His policy had led the ex-Confederates, so lately in arms for the purpose of destroying the Union, to show a disposition to claim rights rather than to submit to conditions. Their conventions seemed little more than consulting bodies of Confederate officers, "actually sitting throughout their deliberations in the uniform of the rebel service apparently dictating to the government of the Union the grounds on which they would consent to resume representation in the national Congress." "Hardly is the war closed," said the committee on reconstruction, "before the people of the insurrectionary states come forward and haughtily claim as a right, the privilege of participating at once in that government which they have for four years been fighting to overthrow. Allowed and encouraged by the Executive to organize state governments, they at once placed in power leading rebels, unrepentant and unpardoned, excluding with contempt those who had manifested an attachment to the Union, and preferring in many instances those who had rendered themselves peculiarly obnoxious."

In Stevens' opinion and according to his policy, the first duty of Congress was to pass a law defining the

condition of these "defunct states" and providing civil government for them. He recognized that military law was despotic and ought not to exist any longer than is necessary. A territorial government was the proper arrangement, and he saw no symptoms that they would be ready to participate in constitutional government for some years to come. In this territorial state they "can learn the principles of freedom and eat the fruit of foul rebellion." Congress could then fix the qualifications for voters and the rebels might be given an opportunity "to practise justice to all men and make and obey equal laws." As to their rights of life and property and the retributive justice that was due them he had opinions that he proposed to announce "at the proper time."

There were other reasons that had great weight in Stevens' mind, and in those of the other radical leaders, why Congress should overturn the policy of Johnson. The national debt should be guaranteed, as, also, the sacred pension obligations to soldiers and sailors and to their widows and orphans, against any possible hostile combination of "Southern rebels" and "Northern Copperheads." The payment of the Confederate debt contracted by a state for Confederate purposes should be prevented by the fundamental law of the land, before these states should be readmitted and be given the rights of local self-government. The nation should not permit men to be rewarded or repaid for an effort upon its life. Stevens wished to outlaw these debts that had been contracted for lawless and wicked purposes, and he believed that if the states were admitted and left to do as they pleased, these debts

would be taken up and paid. Money lenders who staked their capital on the effort to disrupt the Union and destroy the government should be taught the lesson they deserved.

Stevens was in entire harmony with the public opinion of the North in regarding the Rebellion as a gigantic crime and he held that its leaders, instead of being pardoned and exonerated and elected to office and admitted again into the seats of honor and power, should be visited with condign punishment. He would provide homesteads and the suffrage for the negroes for their protection, and as a means to this end and as a punitive measure calculated as a fair warning to future ages, he advocated the confiscation of the estates of Southern leaders and their exclusion from political power. No one to-day would approve Stevens' drastic plan of confiscation as a public policy, and wherein he manifested the spirit of vindictiveness and revenge in public speech and policy he is, as a matter of course, to be disapproved distinctly and condemned. But the feeling that there should be some punishment meted out for the Rebellion was almost universal in the North. On that matter Stevens was not by any means exceptional. The hatred engendered by the war was not more intense in Stevens than in thousands of others in the North.

The final and one of the most important reasons for the break with Johnson came from the desire of Stevens and the radical leaders in Congress to readjust the distribution of political power among the states. This came partly from a desire to promote political equity and partly to secure party ascendancy.

It was to be secured by one of Stevens' proposed amendments apportioning representation among the states, not according to population but in proportion to legal voters. Stevens was most anxious to see to it that the basis of representation for the allotment of political power should be changed. He believed that the Slave States had enjoyed an unfair share of political power from the foundation of the government and that Johnson's reconstruction would aggravate the evil. The opportunity for remedy that now presented itself should not go unimproved. It was seen that the adoption of the thirteenth amendment, forever abolishing slavery, would give to the Southern States an increased representation in Congress. In this fact, so unpalatable to the Northern Republicans, Stevens found a great source of support for his cause. The representation for non-voting people of color in the South was then thirty-seven. The South had seventy representatives in Congress, having twenty-four for three-fifths of their slaves. Add the other two-fifths of the blacks now free, and they would have thirteen more, making eighty-three. If colored people were not to be allowed to vote, Stevens wished not only not to add these thirteen to the South's representation, but to take away the twenty-four which had been allotted to them on account of three-fifths of the slaves. This would reduce their representation to forty-six,—a material reduction in political power. If the basis remained unchanged the eighty-three Southern members, with the Democrats that will in the best of times be elected from the North, will always give them a majority in Congress and in the Electoral College. "At the first election,"

said Stevens, "they will take possession of the White House and the halls of Congress. I need not depict the ruin that would follow. Assumption of the rebel debt; repudiation of the Federal debt, oppression of the freedmen, reamendment of their state constitutions, and the reestablishment of slavery would be the inevitable result. They would scorn and disregard their present constitutions forced upon them by martial law while in duress,— which would be but natural action on their part."

The party motive prompting this proposal was frankly avowed by Stevens. He resorted to no subterfuges and made no concealments. The support of Johnson's plan by the Northern "Copperhead Democracy" in combination with Southern leaders was condemnation enough for Stevens. He believed Johnson had in view a party scheme for uniting these elements, together with the conservative elements of the Republican party, to the undoing of the country and the sacrifice of the results of the war. The men in the North who had stood most stoutly against slavery and for the Union were to be thrust from power. It was up to the radical leaders to circumvent the scheme. Stevens boldly declared his opinion that the ascendancy of the Union Republican party was essential to make secure the great results of the war and that if these results were not made safe by amendments before the states were restored they never could be. His amendment did not impose negro suffrage on the Southern States, but if these states refused to admit the blacks to suffrage, their representation would be so reduced as to render them powerless for evil; while

if they granted the suffrage to the negroes there would always be Union white men enough aided by the blacks to divide the representation and continue Republican ascendancy.

Stevens closed his appeal for a more radical policy with a bold advocacy of the equality of all men before the law. He held firmly to the great democratic principle of the Declaration of Independence upon which our fathers created a revolution and build the republic. He never quailed nor failed in his defense of the great enduring principles of democracy. He urged that the republic should be made to stand on the principles of the fathers, otherwise it could have "no honest foundation and the Father of all men will still shake it to its center. If we have not yet been sufficiently scourged for our national sin to teach us to do justice to all God's creatures, without distinction of race or color, we must expect the still more heavy vengeance of an offended Father.

"This is not a 'white man's government.' To say so is political blasphemy, for it violates the fundamental principles of our gospel of liberty. This is man's government, the government of all men alike. Equal rights to all the privileges of the government is innate in every mortal being, no matter what the shape or color of the tabernacle which it inhabits. . . . Sir, this doctrine of a white man's government is as atrocious as the infamous sentiment that damned the late chief justice to everlasting fame and I fear to everlasting fire." ¹

¹ *Globe*, December 18, 1865.

That Stevens was supported in his course by the public sentiment of his party and by many who would now be re-

This speech went to the country as an attack on the policy of the administration. Mr. Henry J. Raymond, of New York, an administration Republican, replied to it urging a liberal policy toward the South,

garded as moderate and conservative men, is attested by the numerous letters that poured in upon him in approval of this speech. The lack of space forbids the use of these indorsements, but a few may be cited as typical of many.

The following is from Judge Alphonso Taft, father of President Taft, written from Cincinnati, December 28, 1865: "I read your speech on reconstruction, as I read all your speeches, with great interest and pleasure. With the President against you I suppose it is impossible to accomplish all that should be accomplished. I suppose you can not accomplish negro suffrage except in the District, where I would fight for it to the last. But I trust you may be able to get a constitutional amendment making the Federal power of every state proportional to its number of voters. That and the taxing of exports are so just and necessary that they must be insisted on and fought for. Negro prejudice does not stand in the way of these two measures. The task of this Congress is all the more arduous as the President is so precipitate in his reconstruction policy. I hope he will not prove obstinate. Persevere! The true people will applaud you. God bless your efforts!"

Hon. John L. Ketcham writes from Indianapolis, December 24, 1866: "Beyond all controversy yours is the true ground. . . . The states that went into rebellion are now only conquered provinces. Their state governments are dead and buried and damned, and ought to be. To waste words about whether they are in the Union or out of the Union is all tomfoolery. And the men who talk so know it well. Andy Johnson knows it. And he knows the people of the South are not fit to exercise political rights. When I read your speech over (as I did twice, every word of it) I could not but think if my father-in-law, Samuel Merrill, were only living, how proud he would be over this speech! I tell you it has the right ring about it, and if Congress will go right forward the people will sustain them. But if they hesitate and are timid all is lost. The people love bold leaders and bold action, especially in the right. I pray God your life may be spared to establish freedom everywhere and to bring into disgrace treason and traitors."

Alfred Conkling, of Genesee, New York, commended this "noble speech." "I can not forbear to tender to you the tribute of my admiration and thanks. It will secure to you an immortality of enviable fame."

O. A. Brownson, the publicist, wrote from Elizabeth, New Jersey, December 19, 1865, to thank Stevens for his "admirable speech," "Your general views I hold to be sound and politic,

in harmony with Johnson's message,¹ which urged amnesty and Southern representation and restoration of local control to the South at the earliest day consistent with public safety. The debate became general both in the House and the Senate. Mr. Sumner, of Massachusetts, was particularly hostile in the Senate to Johnson's plan. He urged the importance of suffrage and civil rights for the negroes and he painted in vivid colors what he called the "rebel barbarism" and outrages of the Southern whites against the helpless freedmen. The report of General Carl Schurz on the political temper and conditions in the South was called for by the Senate and used with great effect to sustain the case against the President. Johnson was irritated and his combativeness was aroused.

Congress, proceeding to legislate for the protection of the emancipated blacks, passed the Freedmen's Bureau Bill, extending the powers and enlarging the staff of that bureau. Johnson was not ready to accept this modification of his work and on February

To pretend that the Confederate States are and have been in the Union is utterly absurd and mischievous. They have no state character and no political rights; they are territories subject to the Union. But I especially indorse your assertion of the congressional prerogative. The President has been dabbling with reconstruction for eight months without constitutional or legal warrant."

Reverend Doctor H. T. Cheever wrote from Worcester, Massachusetts, January 10, 1866: "You have the thanks of every loyal American not a trimmer for the noble stand you have taken in the House. Massachusetts likens you to her 'Old Man Eloquent.' May God grant that Congress may not recede a hair from its position," and he commended Stevens as "one whom the people delight to honor for his eloquence and devotion to the rights of man as man. That God may sustain and make you immortal till your work is done is the prayer of myself and of many here."

¹ December 5, 1865.

19, 1866, he vetoed this bill,—a veto that officially opened the breach between the two departments of the government.

This veto was obviously not based altogether on the merits, or the demerits, of the bill. The President was evidently prompted by his combativeness and by his resentment of personal attacks that had been made upon him. He was a born fighter; he had been fighting all his life, and he was not of the kind readily to yield to criticism or opposition. He had said, and he now proposed to stand up for it, that Congress had no right under the Constitution to exclude states from representation. On this rock he proposed to establish his plan. While the congressional leaders were perversely keeping the eleven states out of the Union and were thus disregarding this fundamental principle of reconstruction the President did not intend that their legislation should go by unchecked.

The veto of the Freedmen's Bureau Bill was Johnson's declaration of war, or his acceptance of the gage of battle, between him and Congress, which was destined to lead to a long and uncompromising struggle. The first victory in this long fight rested with Johnson, as the Senate, by a narrow margin of two votes, sustained the veto amid the applause and hisses of its gallery. But the President's first victory was his last, for upon the very day on which the Senate sustained his veto, the House, under the leadership of Stevens, adopted a concurrent resolution declaring that no Senator or Representative should be admitted from any insurrectionary state until Congress should have declared the state entitled to representation. This reso-

lution the Senate adopted on March 2, 1866, and the two houses thus stood openly committed in opposition to the President's constitutional doctrine of reconstruction.

This resolution has been called the "counter-stroke" to the veto. The respective positions assumed by the two departments of the government were directly antagonistic and irreconcilable. One had to give way or be overcome. The Executive might bar the passage of measures which Congress wished to enact, but the Congressional Joint Committee on Reconstruction "carried on its girdle the keys of the Union," as Senator Cowan said, and unless it unlocked the doors "the wayward sisters could not get in."¹

Antagonistic personalities as well as opposing principles tended to promote the breach between the President and Congress. The veto of the Freedmen's Bureau Bill became the occasion of a public speech by Johnson in which he indulged in unbecoming personalities, tending still further to aggravate the situation. To a serenading party that came to the White House on February 22, 1866, to congratulate the President on the success of his veto, Johnson spoke at considerable length. He referred to the Reconstruction Committee of Congress as an "irresponsible central directory," that was assuming nearly all the powers of Congress in disregard of the Constitution. "You have been struggling for four years to put down a rebellion. You contended at the beginning of that struggle that a state had not a right to go out. That question has been settled. . . . I am opposed to the Davises, the

¹ Dewitt, *Impeachment of Johnson*, p. 58.

Toombses, the Slidells, and the long list of such. But when I perceive on the other hand men [a voice, "call them off"] I care not by what name you call them — still opposed to the Union, I am free to say to you that I am still with the people." Some one from the crowd called for the names of the members of Congress to whom the President alluded. "Suppose I should name them to you," replied Johnson, "those whom I look upon as being opposed to the fundamental principles of this government and as now laboring to destroy them. I say Thaddeus Stevens, of Pennsylvania; I say Charles Sumner, of Massachusetts; I say Wendell Phillips, of Massachusetts. [A voice, "Forney."] I do not waste my fire on dead ducks. I stand for the country and though my enemies may traduce, slander, and vituperate, I may say that has no force."¹

It has been said that from the moment of this speech "personal rancor against the President filled the heart of Stevens, at least, if not of others."² It is certainly true that forgiveness and conciliation and the sweet spirit of personal charity for his opponents were not traits for which Stevens was especially distinguished. Johnson's coarse speech had brought a feeling of shame and humiliation to the country. It is not likely, however, that Johnson's rage and his rash language toward Congress and its leaders seriously influenced Stevens' public policy in reconstruction. Johnson's veto of the Freedmen's Bureau Bill gave him a momentary triumph. But Stevens was now more easily able, on account of Johnson's personalities and rude and tact-

¹ McPherson, *Reconstruction*.

² Burgess, *Reconstruction*, p. 67.

less speech on February 22nd, to arouse opposition to the President and his plan. On March 10, 1866, Stevens improved his opportunity in his second notable speech on reconstruction. He restated his former position, that of considering the Southern States as in the status of conquered provinces.

One may well disapprove of Stevens' motives and purposes, but it may be safely asserted that in the political thinking of the time, judged either by the canons of political science or of constitutional law, no one excelled Stevens, or answered him successfully in argument. The position that he assumed was clear, straightforward, consistent from beginning to end, and he presented his cause with a force and ability that made his position seem unassailable. He was again accused of admitting by his doctrine the efficacy of secession. He denied this, and asserted that the ordinances of secession amounted to nothing either in law or in fact. It was the formation of a regular hostile government, and the raising and supporting of large armies, and for a time maintaining their declaration of independence that made the South a belligerent and the contest a war. . . . He stood on the fact, recognized of all men. "Who is simple enough to believe that the assertion of a fact is the justification of it? The people are astute enough to discern between the right and the fact."

Stevens held that the war had not disorganized the rebel states. They had continued under state governments and their relation to the United States did not affect that question. Others contended that the loyal people formed the state; he thought that *all* the people

within its jurisdiction who are legal citizens have an equal part in making up the state, without regard to character; the control of republics depends on the number not on the quality of voters. "This is not a government of saints," he said; "it has a large sprinkling of sinners. The Confederate States continued to be well-organized states out of the Union, under laws, it is true, different from those of the United States. If they were not out of the Union the logical position would be, as some contend, that they might at any time send representatives here and demand admission without asking leave of any one. . . . In what deplorable guilt does it involve the President to declare that the states were never out of the Union! What rank usurpation has he practised in intermeddling with the domestic affairs of the state! All states in the Union are equal. How long could the President stay in the White House if he should attempt in New York or Pennsylvania what he had done in South Carolina and Alabama? If I believed as the gentlemen do I should deem it the duty of Congress forthwith to present articles of impeachment."

He contended that what the President had done he had done not to states in the Union, but to conquered provinces, and that, not under any power in the constitution, but as a commander exercising military authority. The President appoints a Governor in Tennessee, authorizes him to call a constitutional convention, fixes the qualification of voters and finally orders certain things for the convention to adopt in the constitution. Obedience was instantaneous, thanks to the virtue of martial law and fixed bayonets! What a

free, republican, constitutional restoration this is! So with the other states. Johnson's government of Virginia was even worse. There "the free representatives of fragments of about eleven townships out of one hundred and forty-two counties, elected in spots between the contending armies on disputed ground, twelve men, who met within the Federal lines, called itself a convention, formed a constitution, ordered elections for the whole state, and Governor Pierpont received about thirty-three hundred votes for Governor (half Yankee soldiers, I suspect) and was proclaimed in the market house of Alexandria, the Governor of imperial Virginia, the mother of statesmen! . . . This is one of the twenty-seven states that adopted the constitutional amendment! I am fond of genteel comedy, but this low farce is too vulgar to be acted on the stage of nations. Are these the free republics such as the United States is bound to guarantee to all the states in the Union? Should these swindlers, these impostors, bred in the midst of martial law, without authority from Congress, be acknowledged here?"

In reply to the suggestion that the Southern communities had been sufficiently punished, he said that one might search the whole records of crime from the rebellion of the angels and the first transgression of man to the present day, and "you can find nowhere so great a crime so inadequately punished." They were "punished only in the pugilistic sense of having been knocked out in a fight. Did any respectable government ever before allow such high criminals to escape with such shameful impunity? I have never desired bloody punishments to any great extent, even for the

sake of example. But there are punishments quite as appalling, and longer remembered than death. They are more advisable because they would reach a greater number. Strip a proud nobility of their bloated estates; reduce them to a level with plain republicans; send them forth to labor, and teach their children to enter the workshops or handle the plow and to respect labor, and you will thus humble the proud traitors."

He named again the reforms he expected to see incorporated in the Constitution. He had no fear that the people would surrender the fruits of victory. Only a few in Congress would grow weak in the knees at the footstool of power. "You can easily designate them by their shuffling, cringing, fawning manner. They never stand erect when manhood is required. But the great majority will stand by their own honor and their country's welfare. If these reforms are not accomplished, then in three short years this whole government will be in the hands of the late rebels and their Northern allies." He would put the conquered territory under territorial governments and let them know that in adopting amendments their aid would be neither invited nor permitted, and when they came again to enter the Union they would swear allegiance to a constitution remodeled without their consent.

It was in a diversion in the midst of this speech that Stevens uttered his notable mock eulogy of President Johnson, in which we find a specimen of Stevens' scathing satirical invective. For ability and effectiveness in this line of attack it is probable that, in all the annals of American politics, Stevens stands without an equal. It is difficult to believe, in view of

the context, as Mr. McCall seems to do, that Stevens uttered even any part of his tribute to the President with a candid and serious purpose. He did say in the beginning of his personal allusion what seemed to be serious words, and no doubt he spoke in grave and solemn tones. He asserted that he had no feeling of enmity toward the President but respect rather, and "honor for his integrity, patriotism, courage, and good intentions." He disclaimed any personal hostility to the President, but he proposed to oppose and denounce his policy; as it would be to forget the obloquy that he had calmly borne for thirty years in the war for liberty, if he should turn craven now. Mr. Price, of Iowa, appeared to accept this personal allusion to the President as a candid and intentional compliment on the part of Stevens and he interrupted the latter to ask whether it were possible that the "Thad Stevens" now eulogizing the President could be the same as the "Thad Stevens" referred to in the late White House speech. The question might have been anticipated, or prearranged. At any rate it gave Stevens his opportunity, and he turned from his mild tone of compliment and conciliation toward the President to one of mean and satirical abuse. It may be that the passage of coarse and abusive invective, in which Stevens now indulged and which his friends may well wish had been omitted from an otherwise worthy speech, may have come from the impulse and taunt of the moment, without premeditation or personal malice aforethought. However that may be, he proceeded to express surprise that the learned gentleman should refer to the White House speech as if it were

a fact. He then offered to make a confidential communication and he hoped none present would violate his confidence, for fear his motives might be misunderstood. He desired the House and the country to understand that the so-called speech of the President was one of the grandest hoaxes ever perpetrated, more successful than any except the moon hoax which had deceived so many astute astronomers. He was glad of the opportunity to exonerate the President from ever having made that speech. "It is a part of the cunning contrivance of the Copperhead party who have been persecuting our President since the fourth of March last" to make the people believe that the President ever made such a speech. "Why, sir, taking advantage of an unfortunate incident which happened on that occasion ¹ [laughter] they have been constantly denouncing him as addicted to low and degrading vices." To prove the truth of this hoax and his view, Stevens sent to the desk and had read and put on record an editorial of March 7, 1865, from the Democratic *New York World*, which was now supporting Johnson's policy on reconstruction. This editorial compared Johnson to "the drunken and beastly Caligula, the most profligate of the Roman emperors," and referred to the disgrace that he had brought upon an honorable office once held by an Adams and a Jefferson, a Calhoun and a Van Buren. And "now," the editorial ran, "to see the office filled by this insolent drunken brute," and "only one frail life between this clownish drunkard and the presidency!" Having brought this

¹ Referring to the drunken condition of Johnson at the time of his inauguration as Vice-President.

editorial to the publicity of the record, Stevens then proceeded to denounce it as a slander, and as a proof that this Copperhead party had been persecuting the President. "We never credited it but looked with indignation upon the slander which was thus uttered against the President of our choice. My friend before me¹ if he were trying in court a case *de lunatico inquirendo*, and if, the outside evidence being doubtful, leaving it questionable whether the jury would adopt the view that insanity existed, he should cautiously lead the alleged lunatic to speak upon the subject of the hallucination, and if he could be induced to gabble nonsense, the intrinsic evidence would make out the case of insanity. So if these slanderers can make the people believe that the President uttered that speech they have made out their case. But we all know that he never did utter it. The people may have been deceived but we who knew the President knew it was a lie from the start." Having exposed this mendacious libel, he then expressed the hope that he might be permitted to occupy the same friendly position with the President that he had held before.

Here is revealed one of the most untoward events in our history, namely, that while facing a problem of great complexity, the country was vexed by a personal quarrel and a party brawl that were calculated to inflame the passions and to obscure the judgment of all concerned. It was most unfortunate that the issue of reconstruction should have been determined, or in any way impaired, by a personal contest between two such men as Johnson and Stevens. Both were honest

¹ Bingham, of Ohio.

and patriotic men, but both had intensely passionate and combative dispositions. They were unyielding in temper, and were without that deeper statesmanlike wisdom that leads men to look above themselves to the higher ends of the state. After these personal insults had been bandied between them it was hardly possible that they could be brought to work together in harmony toward a common end. They were not reconcilable.

It has been said that this bitter personal speech of Stevens had for its purpose the goading of Johnson to veto the Civil Rights Bill that was soon to come before him. Johnson's acceptance of that bill would have brought him great support in Congress and in the country. It was not inconsistent with his scheme of reconstruction, and he might have accepted it without the surrender of a single principle that he had professed. His veto of it left him without hope, and gave Stevens and the radicals the right of way. From the time of that veto the breach between Congress and the President was complete and seemingly irreparable. More and more, from that time, the temper of the congressional leaders became personally antagonistic toward Johnson. They felt that he was insincere and prone to treachery; that he had broken faith and betrayed the party that had elevated him to power; that he was obstinate, ungentlemanly, coarse, and ill-tempered, and that, having changed his mind, he was angry and vengeful toward all others who would not change theirs. There followed charges and countercharges, threats and counter-threats. Johnson professed to see in the suggestion of the congressional leaders that the "presidential obstacle would have to

be removed," a threat of assassination, while the radical leaders constantly manifested a growing disrespect of the President, jeering at his name, putting aside his messages unread, and referring to him as "only acting-President by right of assassination." They professed to believe that the President was capable of attempting a bold military usurpation by a *coup d'état*, in that he might refuse to recognize Congress as a legitimate body and, instead, recognize a Congress of his own making, and thus plunge the country into a new civil war. This suspicious fear had its basis partly in the fact that the President was constantly referring to Congress as "only a part of Congress" and to its Joint Committee on Reconstruction as "an irresponsible directory," and partly because of certain rash and startling utterances of some of the President's supporters in Congress. Senator Garrett Davis, of Kentucky, said in the Senate that the President had a right to decide what body of men constituted Congress, since he had to communicate with the two houses. "Whenever Andrew Johnson," said Davis, "chooses to say to the Southern Senators, 'Get together with the Democrats and the conservatives of the Senate, and if you constitute a majority, I will recognize you as the Senate of the United States,' what then will become of you gentlemen? You will quietly come in and form a part of the Senate."¹

There was thus engendered a situation full of distrust, suspicion, and soreness. It was, at best, a state of political war, to which were added many features of a partisan and personal wrangle. The issue was

¹ *Globe*, App., pp. 300-304, cited by Dewitt, p. 57.

joined. The question was whether the policy of Johnson or that of the radicals, led by Stevens and Sumner, should prevail. On that issue appeal was to be made to the country and the congressional leaders set about to formulate their plan.

CHAPTER XV

THE FIRST CONGRESSIONAL PLAN

WE have noticed the reasons that led to the rejection of Johnson's reconstruction. When the breach with the President had become irretrievable Congress addressed itself to providing a plan of its own, such as would safeguard the interests that the congressional leaders felt had been flagrantly disregarded in the plan of the President.

Their first efforts were directed to providing adequate protection for the negro. The first agency employed for this purpose was the Freedman's Bureau. The original act establishing this bureau was passed on March 3rd, 1865. It was made an arm of the war department, was established under conditions of war, and the act was to expire one year after the termination of hostilities. Its object was to protect and support the freedmen within the territory controlled by the Union forces. Clothing and fuel were to be given to the destitute. Vacant lands were to be parceled out to freedmen and refugees,—not more than forty acres to any one individual, and protection in the use of the land was promised for three years.

The Southerners charged that this bureau had a bad effect; that it led the blacks to believe that the government was going to support them; that good old

plantation darkies were turned into vagabonds and loafers, each looking for the happy day when "de land was goin' fur to be dewided" and every darky would have his "forty acres and a mule." Such considerations were urged as an apology for the black codes of the South.

There may have been mistakes or bad management in the local administration of the bureau. But the motive of the act was that of mercy and charity for the freedmen, and General O. O. Howard, who was at the head of the bureau, was a man of generous and benevolent impulses, whose services to the South were of the highest order. Common humanity demanded that the ignorant and helpless negroes, without money and without homes, should not be left helpless upon the world. "Without the bureau," said the congressional committee, "the colored people would not be permitted to labor at fair prices and could hardly live in safety. It was impossible to abandon them. The whole civilized world would have cried out against such base ingratitude, and the bare idea is offensive to all right thinking men."¹

The Freedmen's Bureau Act which Johnson vetoed² extended the time and enlarged the effective force of this bureau. Military protection was provided for its officers and agents. In addition to the "forty acres," schoolhouses and asylums were to be provided and protection was to be afforded in all criminal cases when equal civil rights were denied. Johnson's veto was based on the ground that this was a war measure

¹ Report of the Cong. Com., June 18, 1866.

² February 19, 1866.

in time of peace, indefinite in time, and operative over territory where the civil authority of the United States was undisputed. The President held that a state of war no longer existed, and that the great army of officials provided for in the act involved too great an expense, and that it conferred too much patronage and power for any one man to wield. The act, he asserted, was unconstitutional, as by it the United States government was to assume functions on behalf of negroes that it had never been authorized to assume on behalf of white men. It was calculated to coddle the negro to his detriment. And besides, and this was of the highest importance in Johnson's mind, this legislation was undertaken while the eleven states that were most affected were unrepresented in Congress. Johnson's veto compassed the defeat of this measure, greatly to the disappointment and displeasure of the Northern advocates of the freedmen's interests.¹

The second attempt of Congress to secure the rights and protection of the freedmen was involved in the Civil Rights Bill. The purpose of this bill was to establish equality of citizenship, to place the negro on the same civil footing as the white man, and it involved substantially the provisions afterward inserted in the fourteenth amendment on that subject. It provided that all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, were to be recognized as citizens of the United States. On all these, of whatever class or

¹ On July 16, 1866, after the breach with Congress had become complete, a new Freedmen's Bureau Bill was passed over the veto of the President, containing the essential features of the bill that was vetoed in February.

color, were to be conferred the rights to sue; to make and enforce contracts; to give evidence; to inherit; to buy, lease, sell, hold and convey real and personal property, and to have the benefit of equal laws for security of life and liberty. This protection was to be secured, not, as under the Freedmen's Bureau Bill, by the operation of military power, but by the usual operation of the civil courts. Pains and penalties were provided for violation of the act against any one who, under color of state laws, might discriminate against any citizen on account of race, color or previous condition of servitude.¹

This legislation marks a departure in the jurisprudence of the United States. Not until then had the central government assumed to define and protect civil equality within the states. "But it was a change," says Professor Burgess, "which history had forced upon the country," and it was but a recognition of the vital fact that "real civil liberty is always national."² It was ably contended by the supporters of this bill that the nation had legalized the change by the adoption of the fourteenth amendment, and the issue that it presented may be recognized as one of the most fundamental in the history of American constitutional law. Shall the state or shall the nation be the guardian of civil liberty in America?

Johnson's veto of this bill on March 29, 1866, is a landmark in the struggle over reconstruction. It raised the direct issue between the President and Con-

¹ The penalty might be a fine of one thousand dollars, or a year's imprisonment, or both.

² *Reconstruction and the Constitution*, p. 70.

gress, and made it apparent that either he or the congressional leaders must give way or be overridden. Johnson was insistent upon two points: first, that there should be speedy recognition and readmission of his reconstructed states; and, second, that the blacks should be left to state control. That Congress refused to accept his reconstructed states was to Johnson a personal offense, and his veto of the Civil Rights Bill showed his combative and petulant spirit. The measure was not inconsistent with his plan of reconstruction.¹ Johnson had not indicated that he had any objection to the Civil Rights Bill until after its passage. The veto was a part of his struggle of determined opposition to a Congress that had refused to accept what he had done. This bill was framed in harmony with what he himself professed to have been doing to protect the freedmen in their civil rights throughout the rebellious states. It was strictly limited to the protection of the *civil* rights belonging to every free man, the birthright of every American citizen, and it carefully avoided conferring, or interfering with, political rights or privileges of any kind. It conferred no rights, and abridged no rights. It simply declared that in civil rights there should be an equality among all classes of citizens, and that all shall be subject to the same punishments and the same protection. Each state might grant or withhold such civil rights as it pleases; all that the nation was re-

¹ "The measure did not militate against the President's plan of reconstruction. He could have accepted it without compromising that plan in the slightest, and it was a monumental blunder on his part that he did not do so." Burgess, *Reconstruction and the Constitution*.

quiring in the Civil Rights Act was that in this respect the laws shall be impartial.¹

The general government in thus defining citizenship, in saying who should be citizens of the United States, and in requiring that state laws should treat all citizens with equal and impartial justice, was undoubtedly within its legal rights. The path of its duty was as clearly manifest. There is no more sacred nor fundamental function for a nation to perform than to secure justice among men and to require, in the dispensation of justice, that men of all kinds and ranks and creeds shall be treated without discrimination.

Over against the assertion of national power and duty, Johnson set the rights of equal states. The late insurrectionary states, according to his view, were now in the Union, and South Carolina was entitled to all such rights, privileges, and immunities as Massachusetts or any other state. He regarded it as an assumption of power in Congress to attempt to make freedmen into citizens while eleven states were unrepresented. Such an act, moreover, was a discrimination in favor of the ignorant negroes against unnaturalized foreigners. The exercise of power by the central government to secure civil equality within the states, he asserted, would destroy the Federal system, and would be degrading to the states and their officials, while the proposed military enforcement of the law by national power was unconstitutional.

There was much fear among the Republicans that

¹ Trumbull, April 4, 1866, *Globe*, p. 1760. Trumbull's able exposition of the purpose and scope of this act seemed to leave no tenable grounds for its opponents to stand on.

Johnson's veto might be sustained. The struggle in the Senate in order to get the necessary two-thirds vote to overcome the veto is one of the most memorable parliamentary struggles in our history. The radical cause was at stake and the congressional leaders felt that if they were defeated here and the President's veto were sustained they might be defeated ultimately. It has been charged that Senator Stockton's seat in the Senate was contested and declared vacant from this motive; that Senator Morrill, of Maine, was induced to relieve himself unfairly of a pair for the sake of a vote, and that Stevens brought about delay in the congressional vote on the veto in order to gain time to enable Senator Edmunds, of Vermont, to qualify and be seated in place of Senator Foote, who had just died.¹

There were fifty Senators. Eleven of these were Democrats. Four of the Republicans were out-and-out supporters of the President, while three others were inclined that way. The attitude of Willey, of West Virginia, and Morgan, of New York (who had been under the influence of Seward), was uncertain, and it was therefore seen that the result was in jeopardy. On the evening of April 5th, the minority proposed that the vote on the veto be postponed till the morrow in order that two of the President's supporters, Dixon, of Connecticut, and Wright, of New Jersey, who were ill in the capital, might be able to attend. Wright, answering the urgent call of his party, had arrived in the capital in a feeble condition, in the care of his son. Dixon was ready to be carried in that he might cast

¹ See Dewitt's *Impeachment of Johnson* and Flack's *Fourteenth Amendment*.

his vote to sustain the President. It was under these circumstances that Mr. Hendricks, of Indiana, speaking for the Democrats, asked, as a matter of comity, for a postponement of the vote, saying that if the sick Senators were not able to come on the morrow at the time fixed no further delay would be asked.

It appears that the testing time was at hand in the struggle for the two-thirds. It was at this time, when "the suspense was so heavy that business was interrupted and Senators were gathering in buzzing groups or moving to and fro with hurried mien" ¹ that Ben Wade, of Ohio, the undaunted radical, gave forth one of his heated and partisan outbursts against the President and his policy and in favor of the bill. "I view this," he said, "as one of the greatest and fundamental questions that ever came before the Senate. The President has no power to interpose his authority to prescribe the principle upon which these states shall be admitted to the Union. He is to execute the laws that we make. We are to judge the forms of government under which the states shall exist. We are not to be wheedled out of this power by the President.—The great question of congressional power and authority is at stake here, and I shall yield to no importunities on the other side. I will not yield to these appeals to comity on a question like this; but I will tell the President and everybody else that if God Almighty has stricken one member so that he can not be here to uphold the dictation of a despot, I thank Him for His interposition and I will take advantage of it if I can." ²

¹ Dewitt, *Impeachment of Johnson*, p. 81.

² *Globe*, April 5, 1866, p. 1786.

On the other hand, Democrats like Saulsbury, of Delaware, equally imbued with the spirit of partisanship and afflicted with an unreasoning prejudice against the free negro, declaimed against the purpose to pass this bill as a scheme to inaugurate revolution and to "plunge the country again into the horrors of civil war." He warned the people of the country that they should set their house in order to resist the radicals who were perpetrating this great wrong and who were "trampling into dust the bleeding, mangled body of the Constitution of their country lying in their pathway." He thought that if a state legislature passed a law discriminating between white and black the people of the state would never allow their legislature to be dragged from their legislative halls by free-negro agents sent by free-negro commissioners; nor did he suppose that an honest judiciary in a state would observe "an act so flagrantly unconstitutional."¹

Rather than undergo an all night's session the Senate adjourned; but on April 6, 1866, the struggle for the two-thirds was won by a single vote, and the President's veto was overridden.²

Shorter work of the veto was made in the House. The bill was passed there under the management of Stevens by the application of the previous question, without debate, by a vote of one hundred and twenty-two to forty-one,—twenty-one members not voting.

Stevens was like Wade. He had no scruples about disregarding comity for the sake of his cause. He

¹ Saulsbury in the Senate, April 6, 1866, *Globe*, p. 1809.

² Yeas, 33; nays, 15; Dixon absent; Morgan and Willey voting against the President.

was no doubt ready to resort to whatever strategic measures the politics of the situation seemed to make necessary in order to compass the defeat of the President. He spared no pains nor energy to that end. He believed that Johnson's vetoes and his opposition to Congress were leading ex-Confederates to think that the administration, with its power and patronage, in combination with the conservative Republicans and the whole Democratic party in the North, would finally enable them to determine for themselves their own political status as well as that of the freedmen. In Stevens' mind, the leaders of the South were still alive to the same old struggle as in the days before the war,—the purpose with them was to control the government. It was a struggle for power, and the defeated Confederates, instead of accepting such conditions as a conquering nation saw fit to impose, were now expecting that, on Johnson's terms, they would be restored to control not only in their own states but in the affairs of the nation. This, Stevens thought, must be prevented at every hazard. Stevens regarded the persistent contention of Johnson that these Southerners should have seats in Congress, as an "arrogant demand." It was intolerable that the men of the North should be asked to admit to the seats of power the very men who had led the Rebellion for four years against the laws and sovereignty of the United States. The Republican war party in the North, now in absolute control in Congress, looked upon these Southern men as "rebels" and "traitors," whom they had had to fight for four years in order to save the Union from destruction. The leopard's spots had not been

changed within a year and the purposes of these "rebels" were still unchanged. They had shown no change of heart nor humbleness of spirit. Was it reasonable to suppose that this Republican majority while they had the power to prevent it, would permit these men to come back into political privileges and power through a combination with Johnson and the Northern Democrats? These Northern Democrats, these Southerners demanding their seats, and Johnson from his high office,—all had denounced the Civil Rights Bill as unconstitutional. If that were true, it was the bounden duty of the Republicans to see to it that before the Southern States were restored to their political privileges there should be such changes in the organic law of the nation as would guarantee civil rights forever to the freedmen and would make secure and permanent the great results of the war.

The Civil Rights Bill was passed over the President's veto by the narrowest margin. There were others, however, aside from Johnson and his supporters, who believed it was unconstitutional. John A. Bingham, of Ohio, an able lawyer and himself one of the radical leaders, made a long and able argument against it,—not against its principle, but against the constitutional power of Congress to pass it. He believed that, under the "Constitution as it was," Congress had no power to declare that there should be no discrimination of civil rights among citizens in any state; that *political rights*, such as suffrage, were embraced in the term *civil rights*: and it was known that there was hardly a state in the Union but what made some discrimination in its laws on account of race or color; that the enforcement

of the Bill of Rights, the protection of life, liberty and property, within the states was not one of the delegated powers of Congress, but had been reserved to the states. Bingham was easily able to show that the decisions of the Supreme Court were in harmony with his argument; that while the United States government was forbidden to make any discrimination or deprive any person of life, liberty or property without due process of law, this limitation did not apply to the states.¹

Other opponents of Johnson and friends of the freedmen, like Bingham, had grave doubts concerning the final outcome of this legislation. They believed that the principle of the bill should be embraced in the law of every state, and lived up to, and as it was perfectly obvious that the Southern States would not give equal rights to the freedmen of their own accord, they should be compelled to do so by expressly prohibiting every state from violating this principle. But the remedy, they contended, was not in assuming a power not delegated, but rather in an amendment to the Constitution. While they recognized that it might be reasonably contended that such powers pertained to Congress under a broad construction of the thirteenth amendment, on the principle that slavery was nothing more than extreme inequality in civil rights and that under the power to enforce its abolition all inequality might be prevented, yet it was by no means certain that the courts would take this broad view, and the Civil Rights Act, if not subsequently repealed by a hostile Congress, might be declared void by the courts.

¹ *Barron vs. Baltimore*, *Globe*, March 9, 1866.

It was these considerations that led to the first clause of the fourteenth amendment. Stevens in discussing it¹ emphasized these considerations. He recognized that the Constitution limited only the power of Congress to deny civil rights and was not a limitation on the states. The amendment would supply that defect and provide that the law that operates upon one man shall operate equally upon all; that which affords protection to the white man shall equally protect the black. No law shall have respect to the color of the skin. Stevens called the attention of the House to the fact that the Civil Rights Bill did not make these rights secure. "I need hardly say that the first time that the South with their Copperhead allies obtain the command of Congress it will be repealed. The veto of the President and their votes are conclusive evidence of that. The amendment once adopted can not be annulled without two-thirds of Congress and that they will hardly get. Yet some were guilty of the madness of proposing to readmit these states before this becomes a part of the Constitution."²

There can be no doubt that the principle underlying the Civil Rights Bill and here incorporated in the Constitution, was in harmony with fundamental democracy and righteous law. It means merely that the law should be no respecter of persons. It served notice that the whites of the South were not to be given special privileges nor the blacks to be visited with special penalties. It was passed to secure legal protection to the black man, but its underlying purpose was broader

¹ May 8, 1866.

² *Globe*, Vol. 73, p. 2459, May 8, 1866.

than that. It sought to secure to every man within the pale of national citizenship and under the egis of national law, equality of rights and opportunities. It proclaimed civil liberty throughout the land to all the inhabitants thereof, any law or custom in any state to the contrary notwithstanding. It was democratic in its spirit, sound in its political science, righteous in its morality, since civil equality is the first principle of public justice. It is poor apology or palliation for the black codes of the South to plead that they sought merely to "set the freedmen apart as a special class with a status at law corresponding to their status in fact,"¹ as if the law may justly recognize a varying or diverse social status among men. Under hateful governments and in hateful times, the law had recognized distinctions in social classes. But in setting up a new government in the world, our fathers had made it their plea that they sought to escape from such conditions and from aristocratic systems under which some men were recognized as having been born booted and spurred ready for riding, while others were saddled and bridled ready to be ridden; under which the raiment of the toilers was prescribed in law, and the toe of the peasant must not come too near the heel of the courtier whose garments, as well as whose privileges, were special and distinct. Democracy in America, as everywhere in the world, stood for a different principle,—of equal and exact justice to all men alike before the law. That was the principle of the first section of the fourteenth amendment. It was written in the Declaration of Independence and in the

¹ Dunning, *Reconstruction*, p. 63.

American Bill of Rights,—that the law is for all alike, high or low, rich or poor, white or black, Greek or Barbarian, Jew or Gentile, and for men of all races, conditions and creeds.¹

This was the principle of the Civil Rights Amendment to the Constitution. To secure it was but to carry to its natural fruition and completion the great humanitarian movement for the emancipation of the slaves. The two movements were one. With Thaddeus Stevens, this principle of human equality was imbedded in the marrow of his bones. He was a democrat. To the cause of fundamental democracy he had shown undoubted loyalty throughout a long and stormy political life, and for that cause, it may readily be believed, he stood ready to show forth the last full measure of devotion. It was a noble cause, and in the hard fighting for it, which the men of his day and generation witnessed, no man struck harder blows nor proved more faithful and efficient than Thaddeus Stevens. He thought the time had come in rebuilding the shattered nation, to write that principle into the fundamental law of the land, as it had been originally proclaimed in the immortal Declaration of Independence. He believed that our fathers intended this great principle of the Declaration of Independence to lie at the foundation of our government, and if they had been able to base their Constitution upon it, it would have needed no amendment, as every human being would have had his rights and would have been equal to

¹ As Horace Greeley expressed it, there should be "equal rights for all alike, regardless of color,—white, black, red, brown, ring-streaked or speckled."

every other before the law. "But it so happened when our fathers came to reduce the principles on which they founded this government into order, in shaping the organic law, an institution hot from hell appeared among them, which has been increasing in volume and guilt ever since. This obstructed their movements and caused postponement and compromise. But now the time has come when this black population are to be treated as our fathers declared by solemn declaration they ought to be treated, or to be oppressed by us as insolent tyrants, by which we shall deserve the execration of the human race. . . . The time has come when we can make the Constitution what our fathers desired to make it, when through blood every stain has been washed out unless we choose to reestablish it."¹

Referring to "the utterance of one at the other end of the avenue" to the effect that the Constitution needed no amendment, Stevens said he had rather not live than live and be disgraced by such a sentiment. He wished that we should not continue to crush beneath our feet four millions of immortal men.²

In presenting the fourteenth amendment to the House and opening debate upon it (May 8, 1866), Stevens gave renewed expressions of devotion to these principles. For a century he said the public mind had been educated in error which it was difficult to unlearn. In rebuilding it was necessary to clear away the rotten and defective portion of the old foundations. He would sink the new piles deep to rock bottom, and the repaired edifice should stand upon the firm foundation

¹ *Globe*, January 31, 1866.

² *Globe*, January 31, 1866.

of eternal justice. His plea was for just treatment to every human being upon the continent, for the great democratic principle announced by Jefferson,—“equal rights to all and special privileges to none.”

The second object in view in the congressional plan was the readjustment of political power by changing the basis of representation. Stevens' first proposal of an amendment on this subject, offered in December, provided that representation should be based on legal voters, none to be named as legal voters except natural born citizens and naturalized foreigners. The object of this was either to secure for the negro the right of suffrage or to reduce the South's proportion of political power. There were two alternatives to this proposition having the same root idea and the same object in view. One was to deprive the states of all power to discriminate politically on account of race or color; the second, to leave every state perfectly free to decide for itself who should vote and belong to its political community, but in so deciding it should by the same choice decide who shall enter into its basis of representation and who shall be shut out. “What a state should decide for itself in its own affairs it should decide for itself in its national affairs.”¹

Objection soon developed to basing representation on voters. It might open the door to inequalities. California might let her Chinese and half-breeds vote, Oregon, her Indians, and any state, its aliens. Even if state legislation were uniform, some injustice might be worked toward those states in which the women outnumber the men, from which the young

¹ Conkling, in the House, January 22, 1866.

men were going west in quest of fortune. It was thought that New England would lose heavily by the change and it was charged that "the real objection to the male suffrage basis was the fear of taking away power from fanatical New England."¹ Mr. Blaine, of Maine, thought the incidental evils of the amendment too great to permit of its adoption. He attempted to show that the ratio of voters to population differed widely in different sections, from a minimum of nineteen per cent. to a maximum of fifty-eight per cent. and he asserted that the changes which this fact would work in the relative representation of certain states would be "monstrous." By the apportionment on the census of 1860, Vermont and California each had three members of the House. On the basis of voters, if Vermont retained three, California would have eight. Ohio, with seven and a half times the population of California, would have little more than two and a half times the representation, while New York, with eleven times the population, would have but five times the representation. On the new basis, if Massachusetts retained her ten votes in the House, Indiana would have fifteen instead of eleven, while if Indiana retained eleven, Massachusetts would have but seven.

Mr. Blaine disclaimed offering his objection on account of the interest of his section, but it is difficult to believe that this consideration did not enter in. Mr. Blaine argued also that the first proposal of Stevens would tend to cheapen the suffrage everywhere. The

¹ Conkling, in the House, January 22, 1866. This is not quoted as Conkling's opinion,

states would scramble to increase their voters; all conservative restrictions would be stricken down, and the ballot would be demoralized and disgraced. Mr. Blaine professed anxiety to accomplish the end in view, that is, to deprive the South of representation, but he thought it could be done without imposing these offensive inequalities among the other states. He insisted that population should be retained as the basis of representation, and he proposed a wording for the amendment to the effect that the population should be determined "by taking the whole number of persons except those to whom civil or political rights are denied or abridged by the Constitution, and laws of any state on account of race or color." Mr. Conkling showed by elaborate tables that Mr. Blaine's calculation was without foundation, that it had no practical bearing and that the preponderance of men over women in any state (except California, whose population was abnormal and exceptional) was too small seriously to affect the result.¹

The discussion in public and in conference of the committee of fifteen showed that the states would not accept the voting basis and Stevens was compelled to surrender it, though he said it was "dear to his heart." It would have been practically self-executing and would more certainly have accomplished its purpose than the provision that was finally adopted, as later experience has shown.

The second alternative, that of prohibiting the states from denying suffrage and political rights, on account of race to any class of persons within their borders

¹ *Globe*, January 22, 1866.

ran counter to the wish of the states to regulate their own affairs in their own way. Most of the Northern states did not permit negroes to vote, some having repeatedly and lately pronounced against it. It was futile to ask three-fourths of the states to assent to such an amendment. They would not do it. In consequence of this obvious fact, the congressional leaders on the Reconstruction Committee resorted to the third alternative. They would base representation on population, but they would count out the blacks in the representation if any of them were counted out in the voting. On behalf of the committee, Mr. Conkling, of New York, first presented the amendment to the House, providing that representatives and direct taxes should be apportioned among the several states "according to the whole number of persons in each state, provided, that whenever the elective franchise shall be denied or abridged in any state on account of race or color, all individuals of such race or color shall be excluded from the basis of representation." If any were cut out of voting on account of race, the whole race should be omitted in determining the basis of representation.

The principle of this amendment, as Mr. Conkling defined it in his very able speech, was that representation does not belong to those who have no political existence, but to those who have, and it therefore provides that whenever any state finds within its borders a race of beings unfit for political existence, that race shall not be represented in the federal government. Every state was left free to extend or withhold the elective franchise on such terms as it pleases and this

without losing anything in representation if the terms are impartial as to all.¹

On January 31, 1866, Stevens spoke at considerable length in support of the amendment in this form. He held it to be the right of the states, as it always had been, to fix the qualifications for suffrage. He affirmed that the amendment neither granted nor took away any privilege from any state in this matter. It did, however, punish the abuse of that privilege. If Congress should attempt to fix the qualification for voters "instead of getting nineteen states, which is necessary to ratify this amendment, I venture to say you could not get five in this union." . . . It says to the Slave States, "True, we leave, where it has been left for eighty years, the right to fix the elective franchise, but you must not abuse it; if you do the Constitution will impose a penalty, and will continue to impose it till you have corrected your actions." If a state abused the suffrage and kept it from "the only loyal people there," the Constitution says to such a state, "You shall lose power in the halls of the nation, and you shall remain where you are, a shriveled and dried up nonentity instead of being the lords of creation, as you have been, so far as America is concerned for years past." Reduce their power from eighty-three to forty-five votes in this hall, and then "let them have all the Copperhead assistance they can get, liberty will still be triumphant." He preferred this to immediate enfranchisement of the negroes and he thought "no more severe punishment could be inflicted." For if you make them all voters and let

¹ Conkling, January 22, 1866.

them into this hall not one beneficial act for the benefit of the freedmen or for the benefit of the country could ever be passed. Their eighty-three votes, "with the Representatives of the Five Points¹ and other dark corners, would be sufficient to overrule the friends of progress here, and this nation would be in the hands of secessionists at the very next election."

He would not impose the suffrage on the freedmen for some years to come, until Christian men had gone among them to teach them the principles and duties of citizenship, and until "Congress had done the great work of regenerating the Constitution and laws of the country according to the principles of the Declaration of Independence." He objects to allowing the blacks to be counted as fast as they were admitted to the suffrage² on the ground that the ex-Confederates would admit only their menials and such as they could control. But when they were ready to say to *all* freedmen, "You are men and shall be represented," then let them come here. "I shall not be here to see them as I did their masters, who a few years since drew pistols and daggers upon me when I was making such a speech as this, yet a free people will be here represented and they will take care of themselves."³

This second cause for which Congress was standing, though not so fundamental, was yet like a corollary to the first. It was entirely defensible from the point of view of the men who had conducted the war for the Union. To them, having gone through a terrible

¹ The slums in New York.

² According to the proposal offered by Mr. Schenck, of Ohio.

³ *Globe*, January 31, 1866.

struggle against men who had misused their power to destroy the unity of the nation, it was very natural to ask, "Shall a premium be placed upon rebellion?" The master class of the South, having appealed to the sword when they were voted out of power,—should these now be allowed, as the result of the war, to come back into the Union with more political power than they had before? If it be said that this readjustment was inspired by a party motive to secure party power, it may very well be asked if any political party could reasonably be expected to make a voluntary surrender of power to its opponents. The prospective combination of Southern and Northern Democrats, each wing of the party supporting Johnson's reconstruction, was apparent. Could the Republicans of the North be expected to say to the men of the South, "Come back into the Union and you shall enjoy a larger voice and a greater weight in the councils of the nation than you have ever known"? On the basis of white population, South Carolina was entitled to but two representatives in Congress. If all the blacks were counted for representation while the whites exercised all the political power, then *two white voters* in that state would equal in political weight at Washington five white voters at the North. Was it reasonable to expect that "one pardoned rebel of South Carolina who may have fought for four years against the government shall, in political power, alike on the floor of Congress, and in electing a President, outweigh three returned Union soldiers" in New Jersey or Ohio?¹ Should 127,000 white people in New York have but one voice and one

¹ Kelley, in the House, January 22, 1866, *Globe*, p. 354.

vote in Congress, while the same number in Mississippi should have three? Shall twenty-eight votes be cast in the Electoral College by the white men of the South on behalf of those whom they are unwilling to admit to any part or lot in their own government? "Shall the death of slavery add two-fifths to the entire power which slavery had when slavery was living?"¹

To the Northern mind these questions carried their own answers. There was absolutely no defense for such proposals. The Union soldiers and the people of the North had some opinions upon that subject, and it was to the effect that if Congress permitted such an injustice, it would be guilty of such recreancy as would deserve the severest anathemas that even a vocabulary as hot as that of Thaddeus Stevens ever made it possible for man to utter. Nothing can be plainer than that upon that subject Stevens and the radicals voiced the public sentiments of the North. Their action responded to the fundamental sense of justice embedded in the heart of every man.² The principle that the leaders of the House were thus seeking to establish was clear. The government of every political society belonged to its members. If the South would enlarge the membership of its political societies, it could have the increased power; otherwise not, and on that proposition the congressional leaders

¹ Conkling, January 22, 1866, *Globe*.

² This is still true of Northern sentiment, and it is perhaps more pronouncedly so than when the passions of war were still warm. "At the present day," says Mr. Rhodes, "the strength of the argument and the essential justice of the measure will at the North be hardly questioned." *History of United States*, Vol. V, p. 609.



FROM THE COLLECTION OF ROBERT COSTER

CHARLES SUMNER, 1811-1874.
Senator from Massachusetts.

were ready to appeal to the country. It was one of the mistakes of reconstruction, though it was no fault of Thaddeus Stevens, that the congressional policy of preventing an unjust apportionment of representation and political power was not made permanently effective by a constitutional provision that would have been self-operative and not dependent upon the cooperation of the states or the subsequent will of Congress. This end could have been accomplished if representation had been based as Stevens desired upon the voting strength of the respective states.

Following Stevens' speech on January 31st the House passed the amendment by a vote of one hundred and twenty to forty-six, sixteen members not voting. The resolution was defeated in the Senate on March 9th,¹ largely through the opposition of Sumner who spoke repeatedly, and on one occasion for four hours, against it. He arraigned it in excited and exaggerated rhetoric, denouncing it as "utterly reprehensible," "unpardonable," "worse than the crime against Kansas or the Fugitive Slave Law," "obnoxious to reason and justice." Sumner knew "no language adequate to depict its character." Its words were "words of defilement." It "violated the national faith," "dishonored the name of the republic," "imperiled the national peace." It was "bad as bad could be," "treacherous," "shocking to the moral sense," a "masterpiece of ingratitude," and a wrong to the freedman who had defended the republic in arms.

The amendment was all this, in Sumner's mind, because it did not directly guarantee suffrage to the negro

¹ Yeas, 25; nays, 22; falling considerable short of two-thirds.

by national authority. It fell short of his ideal, his theory about the rights of man. He, therefore, held it up to execration as another "compromise" and concession, still permitting the states to oppress the negro, admitting the idea of inequality of rights founded on race and color, sanctioning "the tyranny of taxation without representation," recognizing an oligarchy of aristocracy and caste, unduly conceding state rights, and fostering the arrogant pretension of a white man's government. As a means of inducing the Southerners to enfranchise the blacks, it was but a bribe that would not prove alluring; and as a means of depriving the South of power, it would prove deceptive as there were tricks of evasion that would be effective.

Sumner preferred to base representation on suffrage, as Stevens had at first suggested. This, as he contended, would admit to the Constitution none of the base concessions now proposed. He had introduced a proposition for the suffrage basis into the previous Congress, to be accompanied with a guarantee of civil and political equality of all persons before the law. If the suffrage basis should transfer power from the Eastern to the Western States, as some of his New England colleagues had contended, Sumner felt that it "were better to suffer wrong ourselves than to do wrong to others."

Sumner's empyrean idealism was more obstructive than consistent. Later he was compelled to accept a form of this amendment more objectionable than that which he was now seeking to talk to death, while he showed how sadly lacking he was in that common sense and sagacity that leads a statesman to accept progress

toward his goal though he may not reach the end at a single bound. Stevens appears both wiser and nobler by comparison in this conflict of plans and purposes between these two extreme radical chieftains in Senate and House.¹

After its failure in the Senate, the amendment was recast by the committee, and the next time it appeared in the House it was in the form of the second section of the fourteenth amendment. Stevens reported this amendment to the House on April 30, 1866, and on May 8th, he spoke at some length on it. He called attention to the hard labors the committee had had to undergo. He referred to the amendment on representation as it had passed the House in January, and had gone to the other end of the Capitol, "there to be mortally wounded in the house of its friends." This second form of the amendment was not so good as the first that Stevens had offered in December. The third form that now appeared was still worse. The first form, basing representation on votes, would have been self-executing and effective. The second form, which was sent to its death in the Senate, provided that if one of the injured race was excluded, the state was to forfeit the right to have any of that race counted in representation. That would more likely have hastened the freedmen's enfranchisement.

¹ This conflict between Stevens and Sumner will serve to illustrate how the diverse and composite sections of the fourteenth amendment came to be incorporated by Congress into one article. Probably no one article by itself would have been acceptable to a two-thirds majority in Congress and the requisite number of states; combined, or as a series of measures like the parts of the Omnibus Bill of 1850, they were able to secure the necessary support.

The section in its third form allowed the states to discriminate and to receive credit in representation in proportion to the number admitted to the suffrage. This Stevens disliked. The language in which he reviewed the struggle must have made Sumner wince, as he heard or read the biting words. Stevens recognized even the last form of the amendment as a short step forward, and he was ready to take it. But "the large stride," he said, "which we in vain proposed, is dead; the murderers must answer to the suffering race. I would not have been the perpetrator. A load of misery must sit heavy on their souls." He came upon Sumner directly for his agency in the defeat of the former amendment, saying that it had been "slaughtered by a puerile and pedantic criticism, by a perversion of philological definition which, if when I taught school, a lad who had studied Lindley Murray had assumed, I would have expelled him from the institution as unfit to waste education upon. But it is dead, and, unless this shall pass, its death has postponed the protection of the colored race perhaps for ages. I confess my mortification at its defeat. I grieved especially because it almost closed the door of hope for the amelioration of the condition of the freedmen. But men in pursuit of justice must never despair. Let us again try and see whether we can not devise some way to overcome the united forces of self-righteous Republicans and unrighteous Copperheads. It will not do for those who for thirty years have fought the beasts at Ephesus to be frightened by the fangs of modern catamounts." ¹

¹ *Globe*, May 8, 1866, Vol. 73, p. 8.

Stevens was a practical legislator. He made no parade of his conscience nor heralded his superior virtue, as Sumner seemed prone to do. He would not, any more than Sumner, surrender a principle vital to justice. But in an attack on an intrenched enemy, he would resort to flanking tactics rather than march full in the face of a destructive fire merely to exhibit his conscience and his courage. If he could not at once get all he desired, he was willing to take all he could get. His method was clearly the part of practical statesmanship. In this last rampart to which he was driven by the repeated changes of the amendment that was so near to his heart, he was ready still to defend the cause for which he was striving. He expected that under the clause in its final form, the rebel states would be greatly reduced in power. He thought that the Southern pride would not long brook being reduced to a hopeless minority. It might take "two, three, possibly five, years before they conquer their prejudices sufficiently to allow their late slaves to become their equals at the polls." In the meantime the freedmen would become more enlightened and more fit for the duties of citizenship. Meanwhile, also, these states could be reconstituted and within them, "the muniments of freedom may be built high and firm;" and until their states are loyal they can have no standing here.¹

¹ *Globe*, May 8, 1866, p. 2460. Any amount of evidence could be adduced to show that the country was much more radical than their representatives in Congress,—that that body was lagging behind and needed the prod that Stevens was disposed to apply to keep it abreast of the people. Wendell Phillips wrote to Stevens under date of April 30, 1866: "I see the report of the Reconstruction Committee. It is a fatal and total

The third object that Congress had in view in rejecting the plan of the President, was to exclude from office and power the leaders of the Confederacy. The congressional leaders, and in this they clearly reflected the sentiment of the North, were not satisfied to have the ex-Confederates immediately resume the functions of government in state or nation. It was felt that the Rebellion was a great crime and that its guilty leaders should suffer punishment. Indemnity for the past, security for the future,—this seemed only a reasonable demand. The wrong to the negro had been righted as far as possible in the provisions described. How could the future be made secure, if the very men who had committed the wrong were to be restored to honor and power? Accordingly, another amendment was proposed which was punitive and preventive in purpose and character. This section of the fourteenth amendment, as first reported by Stevens,¹ provided that until July 4, 1870, "all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for representation in Congress," and for President and Vice-President. This was a political punishment for a political crime. The amendment did not disqualify those

surrender. The South carries off enough of the victory to enable her to control the nation, mold its policy and shape its legislation for a dozen years to come. Twenty years of admiring trust in your anti-slavery devotion must be my apology for urging you to protest against this suicidal step. It is not necessary. The country is ready for its duty. It only needs leaders. Do not let the Republican party desert its post. Or, if that must be, let the statesmen, the 'practical statesmen' of the nation, be true to their duty. . . . The people are ready to support all necessary measures. With leaders they will open no door which does not admit all races." Stevens' Letters.

¹ April 30, 1866.

who had aided the Confederacy from holding federal or state office, nor from voting in state, county, or town elections. But for four years they were to be barred from taking part in choosing the national rulers.

Stevens saw that there would be some difference of opinion within his own party on this subject. His only objection to the provision was that it was too lenient. He would increase its severity by extending the time of exclusion to 1870 and by letting it apply to all elections, local as well as national. In wonted sarcasm he decried such severity as had lately been denounced upon the "traitors" by a certain executive officer, referring to "the late lamented Andrew Johnson of blessed memory." He regarded the proposed punishment as the "mildest ever inflicted on traitors," and he deplored "the morbid sensibility sometimes called mercy, which affects a few of all classes from the priest to the clown, which has more sympathy for the murderer on the gallows than for his victim." "I hope I have," he said, "a heart as capable of feeling for human woe as others. I have long since wished that capital punishment were abolished. But I have never dreamed that all punishment could be dispensed with in human society. Anarchy, treason, and violence would reign triumphant."¹

In the course of the debate on this part of the amendment, a division developed on the Republican side of the House over the wisdom of this section. John A. Bingham, of Ohio, expressed the opinion that it brought no strength to the amendment, that it might endanger adoption by the states, that it would be dif-

¹ *Globe*, May 8, 1866.

ficult of execution and would be distasteful to have Federal officers controlling elections within the states. "Each state," says the Constitution, "shall appoint electors in such manners as the legislature thereof may direct." It was urged by Bingham that until this clause of the Constitution was stricken out, the third section of the proposed amendment was useless and could never be executed. To retain it would be simply to "furnish demagogues a pretext for raising the howl that we exclude rebels for four years only that we may control the next presidential election."

Bingham was an ardent supporter of the amendment as a whole, and the force of his attack on this objectionable section, and the source from which it came, aroused the fire of Stevens. In closing the debate he came to a vigorous defense of the proposal, which he pronounced "the vital proposition of them all." He was not gratified to see "division among our friends." If the third section be stricken out he said he "cared not the snap of the finger whether the amendment be passed or not," for in that case, before the amendment can be put into operation, "that side of the House will be filled with yelling secessionists and hissing Copperheads. Give us the third section or give us nothing."

As to the party motive, he had no compunction nor hesitation,—he would rally to his party to save the Union. "I do not hesitate to say it at once,—that section is there to save or destroy the Union by the salvation or destruction of the Union party. Gentlemen tell us this provision is too strong. . . . It is too lenient for my hard heart. Not only to 1870 but

to 18,070 every rebel who shed the blood of loyal men should be prevented from exercising any power in this government." He believed that the men who had fostered and led in rebellion deserved humiliation and degradation, that none ever deserved it more. He would not welcome them back as brothers immediately, but they should come as supplicants in sackcloth and ashes. He would have a period of probation and forgive only when forgiveness had been asked. The Great Dispenser of mercy forgives only on those conditions; why should the rulers of the republic do more? The common jailbirds who had committed such little acts as arson and larceny were not half so bloody and had not committed half so many crimes as these "rebels," whom Johnson and his supporters were urging should be immediately readmitted to seats in Congress. "For my part I am willing they shall come in when they are ready. But do not, I pray you, admit those who have slaughtered half a million of your countrymen until their clothes are dried, and until they are reclad. I do not wish to sit side by side with men whose garments smell of the blood of my kindred. Gentlemen seem to forget the scenes that were enacted here years ago, . . . when the men that you propose to admit occupied the other side of the House, when the mighty Toombs, with his shaggy locks, headed a gang who with shouts of defiance on this floor, rendered this a hell of legislation.

"Ah, sir, it was but six short years ago when they were here, just before they went out to join the armies of Catiline, just before they left this hall. Those of you who were here then will remember the scene in

which every Southern member, encouraged by their allies, came forth in one yelling body, because a speech for freedom was being made here, when weapons were drawn and Barksdale's bowie-knife gleamed before our eyes. Would you have these men back again so soon to reenact those scenes? Wait until I am gone, I pray you; I want not to go through it again."

When asked by Thayer, of New York, if he thought of building a penitentiary large enough to hold eight million people, he said he would keep them from the halls of Congress by the bayonet if need be, and "if they undertake to come here we will shoot them" as they deserve,—so incredible and incongruous did it seem to him that these men should offer credentials as legislators for the nation against which they had been so lately in arms. "If the gentleman had remembered the scenes twenty years ago, when no man dared to speak without risking his life, when but few men did do it — for there were cowards in those days as there are in these — you would not have found them asking to bring these men in, and I only wonder that my friend from Ohio (Mr. Bingham) should intimate a desire to bring them here." When Bingham protested that he had no such desire and that the section under discussion did not touch the question of their coming, since it disqualified them only as voters, Stevens rejoined,—“Then why do you oppose it? If it is going to hurt nobody, in God's name let it remain. If it is going to hurt anybody it will be the men that deserve it.”¹

The amendment passed the House in the form pro-

¹ *Globe*, May 10, 1866.

posed, on May 10, 1866.¹ Stevens' onslaught had pressed down opposition in the House. But when the amendment came to the Senate this clause was changed to the form, substantially, as it now appears in the fourteenth amendment. That is, instead of disqualifying for suffrage for four years the rank and file of those engaged in the Confederacy, it made their leaders ineligible to office, with the provision that Congress by a two-thirds vote of each house might remove such disability.

Such was the final form of the punitive clause proposed for the fourteenth amendment, the only punishment proposed by a triumphant government on those who for four years of war had attempted the dismemberment of the Union and the overthrow of its power.²

A fourth section of the new amendment sought one other guarantee for the future, which indicates the fourth feature of the congressional plan. As it passed the House it guaranteed that neither the United States nor any state should ever assume or pay any debt contracted in aid of the Rebellion, nor any claim for an emancipated slave. The Senate added that all such debts, obligations and claims should be illegal and void, and added a guarantee of the validity of the public debt of the United States, including the debts for pensions and bounties contracted for services in suppressing the Rebellion. The Senate also added to the first section the well-known definition of citizenship,—that “all persons born or naturalized in the United States,

¹ By a vote of 128 to 37; 19 members not voting.

² “It is difficult to see how the Confederate leaders could have been required to suffer less and have been rebuked at all for their acts.” Burgess, *Reconstruction and the Constitution*.

and subject to the jurisdiction thereof, are citizens of the state wherein they reside.”

Such was the congressional plan,—the fourteenth amendment added to the conditions that Johnson had imposed. It was on these four guarantees, to be incorporated into the fundamental law of the land, that Congress joined issue with the President,—civil rights to all citizens of the republic, just equality of representation, protection against claims founded in rebellion, and exclusion from positions of public trust of certain leaders of those who had proved hostile to the Union. Like all great measures of government that emerge from constitutional struggles the fourteenth amendment was a compromise between conflicting ideas,—an adjustment obtained by mutual concessions among the radical and conservative dispositions represented in the Committee. The plan gave the ballot to no negro and took it from no white man who would swear to support the Constitution. It carried no reprisals, no executions, no exile, no imprisonment, no confiscation of property. It guaranteed to the Southern States control of their own local affairs subject to the great democratic law of equal rights for all and special privileges for none. There was not a clause in the proposed amendment that was not fully justified by the circumstances of the times, and the historian of the period but expresses the common sense of men when he describes it as “marked by even-handed justice.”¹ It is reasonably certain, if these terms of reunion had been accepted in as reasonable and conservative a spirit as that in which they were offered, that

¹ Rhodes, *History of the United States*, Vol. V., p. 609.

Congress would not have advanced to the more radical and drastic policy that was subsequently imposed. Reconstruction could have been accomplished on the basis of the fourteenth amendment. The races in the South might then have been spared the bitter alienation that followed, and both the North and South might have been saved much of the failure, humiliation, and suffering that came from later reconstruction experiences. The responsibility for the outcome by no means lies wholly with the Republican party of the North.¹ Johnson and his Democratic and conservative supporters by their partisan resistance to this reasonable basis of adjustment, misled the South, and together these elements played directly into the hands of Stevens and the radicals.

The resentful and misguided conduct of the South in answer to the terms proposed was an important factor in promoting radical control in Congress and in the public opinion of the North. The same vindictive and hateful spirit for which Thaddeus Stevens has been so constantly arraigned, vented itself against him and his coadjutors in this struggle. That spirit was certainly as dominant in the South as in the North and both sections must share alike the responsibility for its unhappy results. The vital and unfortunate fact was that it was in this passionate spirit of war that an appeal was made to the people on this, one of the greatest issues of civil government ever presented to the American electorate.

¹ Consider Blaine, II, p. 266.

CHAPTER XVI

THE APPEAL TO THE PEOPLE

THE issue was now joined. The decision between the two plans, that of the President and that of Congress, was to be left with the people. Both parties to the contest prepared for the referendum. For once in our history, upon a dissolution of Congress, the Executive was to appeal to the electorate against the Legislative body that refused to sustain him. The people were to break the deadlock between the two departments of their government. Would the people in the election of a new Congress serve notice that that body should retrace its steps, undo what it had done, and proceed to sustain the President in restoring the union of the states on the basis that he had proposed? Or, would the popular mandate direct Congress to go ahead with the work, disregard the "rights" of the "states" that Johnson had set up and insist upon the additional guarantees that Congress had proposed?

Fortunately, in the presentation of the issue there could be no confusion in the minds of the voters. There were no side issues or minor questions to distract their attention. The issue was clear, simple, overshadowing. Will you sustain Congress or will you elect a Congress that will sustain the President? "If the result showed a majority in the next Congress

against the President, his policy would be doomed; if the majority proved to be with him, the policy of Congress would be doomed.”¹ It was a fortunate situation, conducive to political education and to vigor and efficiency in government. In such a case the appeal may be made with force and a verdict given that no man may doubt.

The popular referendum on reconstruction made the election of 1866 unique in our political history. It was an “off year”; no President and but few Governors were to be elected, and usually in such years there is apathy or a waning interest in politics and elections. But probably no political stakes were ever more hotly contested and no campaign ever excited a livelier interest than the struggle over the congressional elections in the summer and fall of 1866. The contest gave rise to the congressional campaign committee to organize and direct the fighting for the congressional cause within the states.²

Though there were no national nominations to be made there were not fewer than four national conventions assembled for the purpose of appealing to the people and creating and influencing public sentiment. Each side held a “Soldiers and Sailors Convention” to appeal for support, and each held a political convention to set forth the platform and principles of its appeal. The first of these conventions was called by the supporters of the President, led by Seward, Weed, and

¹ W. A. Dunning, *Reconstruction*, p. 71.

² This party agency has continued from that day to this as a permanent part of the party machine to look out for the interest of the party cause in the contested congressional districts.

Raymond, and was known as the "National Union" Convention. It met at Philadelphia, on August 14th. There was representation from every state of the Union, South as well as North. The convention was to speak for a restored Union, and to voice a demand for a speedy return of the Southern States to full harmony and privilege with their sister states, a return that was to mark a happy reunion between the North and the South. Former secessionists who had provoked the war, Northern Democrats who had opposed the war, and old time Republicans, who had prosecuted the war, were meeting in an effort to unite North and South in support of the President's policy. To typify the national and united character of the gathering the Northern and Southern delegates walked into the wigwam arm in arm. President Johnson later described how deeply he was moved on receiving the telegram telling him that when Mr. Orr, of South Carolina, and General Couch, of Massachusetts, entered together, "arm in arm" at the head of their delegations, "every eye was suffused with tears." The congressional leaders were not slow to turn this tearful and dramatic scene into ridicule, and their speakers and papers were soon describing the Philadelphia "Wigwam" as "Noah's Ark," into which "the animals entered two by two, the elephant and the kangaroo, of clean beasts and of beasts that are not clean, and of fowls and of every thing that creepeth upon the earth." So far as we know, this analogy has not been attributed to Stevens, but it was quite Stevenesque and in harmony with his style.

The congressional party also charged that in the

"Arm-in-Arm" Convention the Southern delegates were not permitted to speak out their true sentiments and purposes. Thomas Nast, the popular cartoonist of *Harper's Weekly*, represented the President of the convention, Senator Doolittle, of Wisconsin, as padlocking the mouths of the ex-Confederates lest their honest and candid speech might reveal their real feeling toward the freedmen and Union men in the South and thus disturb the "unbroken harmony" that the convention was appointed to proclaim between the sections.¹

A Congressional or Republican Convention, meeting early in September, was presided over by ex-Attorney General Speed, lately a member of Johnson's Cabinet, who, with others, wished no longer to be responsible for the opposition of the administration to the fourteenth amendment. The convention arraigned the President's plan, and denounced the President as "traitor to his party" and "a friend of the rebels," and it urged the fourteenth amendment as the paramount issue of the campaign, the adoption of which was regarded as essential to peace and reunion.

Johnson himself entered the campaign for his cause. To the committee that brought him a report of the Philadelphia convention, he spoke of Congress with characteristic bad taste, as "a body called, or which assumes to be, the Congress of the United States, while, in fact, it is a Congress of only a part of the states, hanging, as it were, upon the verge of the government." Such an utterance gave the intimation of a danger that the country might have to confront. It

¹ Rhodes, V, p. 616.

gave some ground for fear that if Johnson's plan found sufficient support in the Northern and Border States, he might recognize the representation from these states who supported him, together with the representation from the South for whom he was demanding seats in Congress, as the Congress of the United States, and attempt to use his military power to turn Thaddeus Stevens' rump of a Congress out of doors. In his later speeches Johnson repeatedly referred to his lifelong devotion to the Constitution as the chief restraining influence between the country and himself as a dictator. The danger may not have been a serious one, but it had a bearing upon the election.

But the worst of Johnson was yet to come. He started through the country on his notable "swing around the circle," and by his undignified and unseemly speeches, in which he bandied coarse epithets with the crowd, he injured his cause and disgraced his office. At Cleveland, as he appeared on the balcony of a hotel to speak to the people, he was too drunk to speak with sense, and his high office was brought to "the lowest depth of degradation."¹ He referred to the radical Congress as having begun another rebellion and as seeking to "break up the government." He declared (and thoroughly proved it by his conduct) that he "cared not for dignity." "I would ask you why not hang Thaddeus Stevens and Wendell Phillips? I tell you, my countrymen, I have been fighting the South, and they have been whipped and crushed and they acknowledge their defeat and accept the terms of the Constitution; and now as I go round the circle, having

¹ Rhodes, V, p. 618.

fought traitors at the South, I am prepared to fight traitors at the North. . . . He who is opposed to the reunion of the states is as great a traitor as Jeff Davis or Wendell Phillips," and "though the powers of hell and Thaddeus Stevens and his gang were by, they could not turn me from my purpose."¹ If he had played the part of Judas, as his enemies had charged, he wanted to know who had been the Christ that he had played Judas with. "Was it Thaddeus Stevens? Was it Wendell Phillips? Was it Charles Sumner?" In vituperative language that would have disgraced a common stump-speaker he spoke of "the nefarious and diabolical policy" of these leaders.² Upon Johnson's return to Washington, it was said of him that no political orator in our history ever accomplished so much for his opponents as Johnson did in this fortnight of speaking.³

Anti-negro riots in the South in the summer of 1866 conspired with this unhappy exposure of Johnson and his cause to promote the success of the congressional party. In the early days of May there had been riots at Memphis in which twenty-four negroes had been killed. On July 30th, two days after Congress adjourned for the summer, a bloody "riot" occurred in New Orleans, at a political convention in which the negroes were attempting to take part. Thirty-seven negroes and white assailants were killed and over one hundred were wounded. The ex-Confederate police had not attempted to restrain the murderous whites.

¹ Speech at Cleveland, Sept. 3, 1866, McPherson, p. 135.

² Speech at St. Louis, Sept. 8, 1866, McPherson's *Political Manual*, 1866.

³ *New York Nation*, Sept. 27, 1866, cited by Rhodes, V, p. 620.

General Sheridan telegraphed to Grant that it was "not a riot but a massacre." Only one white man lost his life in this affair. The congressional leaders said that this was the way freedmen would be treated under Johnson's reconstructed governments, that negroes could not obtain the equal protection of the laws; and they charged that the life and property of Union men in the South were unsafe and that at least a thousand had been murdered within the year.

It is obvious that the congressional cause was destined to win by sheer default of the opposition. But the cause of Congress was not lacking in positive and constructive support. That cause was presented to the country in one of the most notable documents of the reconstruction era. This was the majority report of the Reconstruction Committee, submitted to the two houses of Congress after the passage of the amendment and not long before the adjournment for the summer recess.¹ Congress ordered to be printed several thousand copies of this report. It presented an able statement of the congressional case and it proved to be an effective campaign document. Its authorship has been attributed to Fessenden but like the fourteenth amendment, it was no doubt a composite document. No one can read it without recognizing in all its parts the impress and political lineaments of Thaddeus Stevens. It describes Johnson's reconstructed governments merely as temporary, as intimations of the Commander-in-chief that he would withdraw military rule in proportion as the people showed a disposition to preserve order, to establish govern-

¹ June 18, 1866.

ments denoting loyalty to the Union and to exhibit a willingness to return to their allegiance, leaving it with the law-making power to fix the terms of their final restoration to their rights and privileges in the Union. There was no evidence of loyalty in those who had participated in making these new state governments. Their elections "had resulted in the defeat of candidates who had been true to the Union, and in the election of notorious and unpardoned rebels who made no secret of their hostility to the government and people of the United States. Was it safe to admit such men at once to a full participation in the government they had fought four years to destroy? They had yielded after four years of malignant war only because they could no longer resist. Within the limits of humanity the conquered rebels were at the mercy of the conquerors. That a government thus outraged had a perfect right to exact indemnity for the injuries done and security against the recurrence of such outrages in the future would seem too clear for dispute. The nature of the security, the proof of allegiance, the time to elapse before the restoration of rights and privileges, — these are matters for the law-making power to decide. To apply the theory of immediate restoration as if the war were to count for nothing, was to leave the government of the United States powerless for its own protection, and "flagrant rebellion carried to the extreme of civil war, would then be but a pastime which any state may play at, not only certain that it can lose nothing in any event, but may even be the gainer by defeat. If rebellion succeeds it accomplishes its purpose and destroys the government. If it fails

the war has been barren of results and the battle may still be fought out in the legislative halls of the country. Treason defeated in the field has only to take possession of Congress and the Cabinet." The theory that the late Confederate States are still states in the Union was "a profitless abstraction, about which so many words had been wasted. It is more than idle, it is mockery to contend that a people who have thrown off their allegiance, destroyed the local government which bound their states to the Union, defied its authority, refused to execute its laws, and abrogated every provision which gave them political rights within the Union, still retain, through all, the perfect and entire right to resume at their own will and pleasure all their privileges within the Union, and especially to participate in its government and to control the conduct of its affairs. To admit such a principle for one moment would be to declare that treason is always master and loyalty a blunder." The report asserted that the Constitution acts, not upon the states, but upon the people. The people can not escape its authority, but the states, through the act of their people, may cease to exist in an organized form, and thus dissolve their political relations with the United States.

The paper then reviews and restates with force the cause for which Congress stood: that the freedmen should be protected; that rebellion should not result in increased political power to the rebellious states; that in freeing the slaves political advantage should not come to their former masters, who had fought against the Union while it was withheld from those who had fought for it; that political power should be possessed

in all the states exactly in proportion as the right of suffrage should be granted, without distinction of color or race. A forcible picture was drawn of the unhappy conditions in the South and of the disunion and disloyal disposition of the people, where without the freedmen's bureau "the colored people would not be permitted to labor at fair prices and where Union men though not of Northern origin, without the protection of the troops, would be obliged to abandon their homes." The deep-seated prejudice against persons of color would prevent their ever being placed on terms of civil equality, if left to the tender mercies of the Johnson governments. Intense hostility to the Union and intense love for the late Confederacy was decisive. Northern men going South are detested and proscribed while "Southern men who adhered to the Union are bitterly hated and relentlessly persecuted." What government would leave the protection of its defenders to the mercy of its foes?

The conciliatory measures of our government have not been met half-way. "The bitterness and defiance exhibited toward the United States under such circumstances is without a parallel in the history of the world. In return for our leniency we receive only an insulting denial of our authority. In return for our kind desire for the resumption of fraternal relations we receive only an insolent assumption of rights and privileges long since forfeited."

The claim that these states are entitled as a matter of right to immediate and unconditional representation in Congress and that to exclude their Senators and Representatives is oppressive and unjust, as well as un-

wise and impolitic,—in opposition to that claim the committee set forth a plain statement of familiar facts: That the seats of these Senators and Representatives were voluntarily vacated in 1861, by the direction of their states. This was done as a hostile act against the United States government with an avowed intent to overthrow that government and to form another. To that end a four-years' war was levied by sea and land "within which period the rebel army besieged the national capital, invaded the loyal states, burned their towns and cities, destroyed more than 250,000 loyal soldiers, and imposed an increased national burden of not less than \$3,500,000,000." During this war the mass of these people were insurgents, rebels, traitors, and all of them occupied the political, legal and practical relations of enemies of the United States. The war obliterated every vestige of state and Confederate government and their people are reduced to the condition of enemies conquered in war, entitled only by public law to such rights, privileges, and conditions as might be vouchsafed by the conqueror."¹ Against such rebellions in the future there must be guarantees satisfactory to the government against which this gigantic Rebellion was directed.

The question, then, before the country is whether conquered enemies have the right and shall be permitted at their own terms to participate in making laws for their conquerors; whether conquered rebels may change their theater of operations from the battle-field where they were defeated and overthrown, to the halls

¹ Report of Majority Committee on Reconstruction. McPherson's *Reconstruction*.

of Congress, and through their representatives seize upon the government which they fought to destroy; whether the national treasury, the army of the nation, its navy, its forts and arsenals, its whole civil administration, its credit, its pensioners, the widows and orphans of those who perished in the war, the public honor, peace, safety,—shall all be turned over to its recent enemies without delay, and without imposing such conditions as, in the opinion of Congress, the security of the country and its institutions may demand. The history of mankind exhibits no example of such madness and folly. The instinct of self-preservation protests against it. Surrender in the field would have been less disastrous, for new armies could have been raised, new battles fought and the government would have been saved. The anti-coercive policy which, under the pretext of avoiding bloodshed, allowed the Rebellion to take form and gather force, would be surpassed in infamy by the matchless wickedness that would now surrender the halls of Congress to those so recently in rebellion until proper precautions shall have been taken to secure the national faith and the national safety.¹

Congress therefore appealed to the country that before representation should be allowed to the late Confederate States there should be adequate security for future peace and safety, by such changes in the organic law as shall determine the civil rights and privileges of all citizens in all parts of the republic, shall place representation upon an equitable basis, shall fix a stigma upon treason, and protect the loyal people of the

¹ Report of Reconstruction Committee, McPherson.

United States against future claims for the expenses incurred in support of the Rebellion and for manumitted slaves,—that peace and harmony may be restored to the country and our republican institutions placed on a stable foundation.¹

Stevens' chief part in this campaign was played before the adjournment of Congress by his getting before the country a more radical proposal and a powerful speech in its support. Stevens accepted and supported the fourteenth amendment without reservation, but he was by no means satisfied with it as a basis of re-union. He wanted more in the way of securities and punishments. It has been said that he no sooner secured one set of conditions than he began to contrive for others.² At any rate, he sought to prevent Congress from definitely committing itself to the conditions proposed, as if they were final and complete. When Stevens submitted to the House the four guarantees of the fourteenth amendment, April 30, 1866, he submitted a bill under instruction from the Joint Committee on Reconstruction. This provided that whenever these guarantees had "become a part of the Constitution of the United States and any state lately in rebellion shall have ratified the same and shall have modified its constitution and laws in conformity therewith, the Senators and Representatives from such states may be duly admitted to Congress." Stevens was decidedly opposed to the proposition. He regarded it as the result of confused and absurd error. He scorned the idea that these rebel communities, the "defunct states," were to be counted

¹ Report of Committee.

² Rhodes, V, p. 609.

or consulted in adopting the amendment. They had no right to be considered. He disapproved of Secretary Seward's policy of submitting the amendment to the Southern States, thus recognizing their statehood. When nineteen of the loyal states had ratified the amendment (it would have required twenty-seven if the Southern States were to be counted), Stevens would have Congress consider it as adopted and binding. Then the "states" lately in rebellion when they were made ready, could do as they chose, come in, or stay out under the new and amended Constitution which would be binding in all the states alike.

The highest authorities to-day will recognize this as both good public law and sound political science. It would have avoided giving the opportunity to the Southern States to reject the amendment and it would have avoided the inconsistency on the part of Congress of appearing to regard the Southern communities as states for the amending purposes while they were not recognized as states for purposes of representation. If Congress had adopted outright Stevens' theory on this point, it would have been both clearer in its political thinking and more consistent in its political conduct. Stevens was by no means alone in the radical desire to exact other terms, especially to secure manhood suffrage among all citizens regardless of race or color,¹ and the radicals were able, through his leadership, to bring about the adjournment for the summer without an official promise that no other terms would

¹ See amendment proposed by Boutwell, of Massachusetts, May 1st; Wilson, of Iowa, May 15th, and Kelley, of Pennsylvania, June 11th, *Globe*.

be imposed. He was ready to bide his time, and it was for time that he was now playing. He believed that the country was more radical than Congress in its attitude toward reconstruction. Perhaps he was relying on the obstructive and mole-sighted policy of his opponents as a means of bringing his Republican colleagues in Congress up to what he considered the proper standard. At any rate he was not willing to give up the field without one more effort.

On the day of adjournment, before the case was sent to the jury, Stevens submitted a plan in the form of a bill that contained what he considered suitable terms and process of reconstruction. The Southern States were to be regarded as having forfeited their rights and were to be reinstated only through the action of Congress. The Johnson governments were to be recognized *de facto* for municipal purposes only, till such changes were made as were necessary to set up valid state governments. The President might direct conventions to be called to form legitimate constitutions, to be submitted to a vote of the people, and to be ratified by a majority of the legal voters. All male citizens above the age of twenty-one were to be legal voters, and to be eligible to seats in the convention. All persons who held office, civil or military, under the so-called Confederate government, or who had sworn allegiance to said government, were declared to have forfeited their citizenship and to have renounced their allegiance to the United States, and should not be entitled to vote or hold office till three years after they had filed an expression of desire to be reinvested with civic rights, and had sworn allegiance to the United

States and renounced their allegiance to all other governments. All laws should be impartial, without regard to race or color, and no constitution should be presented to Congress denying equality of citizenship; and if this guarantee were ever altered or denied, the state should lose its representation in Congress; — that whenever a constitution complying with these conditions was presented to Congress the state might be restored as a member of the Union.

In supporting these proposals Stevens acknowledged some discouragements, but he said he would not be weary in well-doing and he would make one more, perhaps an expiring, effort to do something that might be useful to his fellow men. When he reflected “with how few acts of justice, with how few wise enactments most of us seem content to close our labors and disperse to the periphery of the nation in search of cool shades, purling trout streams, and to see our bulls and beeves,” he could not feel that Congress had done anything “worthy of its glorious opportunity, worthy of its duty to the immortal beings whose destinies for good or evil, for weal or woe, it holds in its hands.”¹ He claimed no right to reproach others, especially when he considered his own life, “too much of which has been spent in idleness or frivolous amusement;” and while he found himself “almost ready to yield before every man is secured equal rights and impartial privileges, I can not avoid feeling humbled, I can not escape the pangs of self-condemnation.” We have but poor results of the labors of an assembly clothed with the sovereignty of the republic. Congress had done

¹ *Globe*, July 28, 1866.

something to aid the white man, if he chose, to protect the poor of all races and colors. "But nothing has been done to enable any but the white man to protect himself. . . . In a peaceful well-governed republic the only protection consists in the right to participate in the government. . . . They must have the ballot, or they will continue, virtually, to be slaves; they will be the servants and tools of the rich. But give them political power and they will find friends who will recognize their manhood. Republics must stand upon the basis of universal suffrage. All who choose to deal fairly by all men may thus be represented in this body in the next Congress. Those who do not choose to give equal rights to all men will, with my consent, never enter this hall except as delegates. . . . No man of common sense and common honesty pretends that the present governments at the South have any features of the legitimate governments. Their old constitutions were not of their own choice, but were imposed in the midst of arms, when the laws were silent, by a military ruler playing the part of a mighty conqueror. Not one of their organic laws was ever submitted to the judgment of the people. Let us now authorize the outlawed states to become republican by freely forming their constitutions by the action of all their freemen. Then loyal men will be protected. They are now proscribed without regard to color. If we leave the colored race without the protection of the ballot box they will be the mere serfs and victims of their former masters." ¹

¹ These quotations contain not the exact and full form of words, but the essence of Stevens' speech of July 28, 1866.

Stevens affirmed that there was an objection to inserting a provision in the Constitution for equal manhood suffrage that did not apply to such a bill as he was proposing. In the Constitution it would operate in all the states alike, and in many of the Free States Stevens recognized "a deep-seated prejudice, the offspring of ignorance and habit, that obstructed the cause of justice." In Copperhead States where justice to the colored race has no domicile, and in states nearly balanced, such reform was thought to be impracticable at present. Those states had done nothing to forfeit their rights and authorize the nation to impose such new conditions. To deprive a few of the elective franchise there, though a great wrong, was not thought to be dangerous or intolerable. But in the rebel states the conditions were different. There the concentration of the whole political power in the hands of a few tyrannical and disloyal men has shown itself dangerous to liberty, and unless restrained must again soon produce bloody insurrections. Their right to dictate the terms of their participation in national affairs has been forfeited. To that men of all parties agree—"whether Republicans, Copperheads, Apostates, or that unamiable, hermaphrodite race called Conservatives." As the conditions of readjustment are to be fixed by the government none can deem it too severe if we put the loyal freedmen on an equal footing at the polls with the disloyal white men.

When these people again become states, Congress can not alter or amend their constitutions. The only way to reach the end in view is by enabling acts, and as Congress can dictate any mode of reconstruction it

deems best, it may pass such acts authorizing these outlawed districts to form republican state governments fit to partake in the government of the nation. He would exclude none from the government "but the most guilty rebels," and that was necessary "in order to enable the loyal men to live in the land of their birth; otherwise the proud persecuting rebels will exile them from their native land.

"When this is done we shall have done but partial justice to the descendants of an oppressed race. God may yet visit us with further punishments. Certainly we deserve it. Why have we not given them homesteads? Their rebel masters owe it to them. As to the punishment proposed, they may thank the tender mercy of Congress that it is so light.

"I have done in this matter," he concluded, "what I deemed best for humanity. . . . I know it is easy to protect the interests of the rich and powerful, but it is a great labor to guard the rights of the poor and downtrodden; it is the eternal labor of Sisyphus forever to be renewed. I know how unprofitable is all such toil. But he who is in earnest does not heed these things. I know, too, what effect it has on personal popularity. But if I may be indulged in a little egotism, I will say that if there be anything for which I have entire indifference, perhaps I may say contempt, it is that public opinion which is founded on popular clamor.

"In this, perhaps my final action on this great question, upon a careful review, I can see nothing in my political course, especially in regard to human freedom, which I could wish to have expunged or changed. I

believe that we must all account hereafter for deeds done in the body, and that political deeds will be among those accounts. I desire to take to the bar of that final settlement the record which I shall this day make on the great question of human rights. While I am sure it will not make atonement for half my errors, I hope it will be some palliation.

“Are there any who will venture to take the list, with their negative seal upon it, and will dare to unroll it before that stern Judge who is the Father of the immortal beings whom they have been trampling under foot, and whose souls they have been crushing out?”¹

“This speech,” says Mr. McCall, “made a profound impression, having the tone of a farewell message.”² It was effective campaign material for the radical cause, an appeal to the country that no backward step should be taken. In the campaign proper the state of Stevens’ health did not permit him to take part. At the close of the session he was all but worn out by labors and disease. His physician directed him to take absolute rest, neither to think nor speak nor read, if he would regain his strength by the next session of Congress. Johnson’s “swing around the circle” tempted him from his rest. In an impromptu speech to his constituents just before the election, he said he had obeyed the injunction of his physician almost literally. He had made but one speech, at Bedford, and as to reading, he had amused himself with only “a little light frivolous reading. For instance, there was a serial account from day to day of a very remarkable circus that traveled through the country from Washington to Chicago and

¹ *Globe*, July 28, 1866.

² *Life of Stevens*.

St. Louis, and from Louisville back to Washington. I read that with some interest, expecting to see in so celebrated an establishment,—one which from its heralding was to beat Dan Rice and all the old circuses that ever went forth,—I expected great wit from the celebrated character of its clowns. [Laughter.] They were well provided with clowns; instead of one, there were two. One of these clowns was high in office and somewhat advanced in years; the other was a little less advanced in office, but older in years. They started out with a very respectable stock company. In order to attract attention they took with them, for instance, a celebrated general; they took with them an eminent naval officer, and they chained him to the rigging so that he could not get away, though he tried to do so once or twice. But the circus went on all the time,—sometimes one clown performing and sometimes the other. For instance, the younger clown told them, in the language of the ancient heroes who trod the stage, that he had it in his power, if ‘he chose, to be a dictator.’ The elder clown pointed to the other one, and said to the people, ‘Will you take him for President or will you take him for King?’ [Laughter.] He left you but one alternative. You are obliged to take him for one or the other, either for President or King, if ‘My policy’ prevails.

“I am not following them all round. I shall not describe to you how sometimes they cut outside the circle, and entered into street broils with common blackguards; how they fought at Cleveland and Indianapolis. But, coming round, they told you, or one of them did, that he had been every thing but one.

He had been a tailor,— I think he did not say drunken tailor,— no, he had been a tailor. [Laughter.] He had been a constable. [Laughter.] He had been city alderman. [Laughter.] He had been in the legislature. God help that legislature! [Great merriment.] He had been in Congress; and now he was President. He had been everything but one,— he had never been a hangman, and he asked leave to hang Thad Stevens.” [Laughter.]

The speech at Bedford, referred to above, was one of more serious purpose and more important in content. It was made on September 4, 1866, and is well worth attention and preservation. In that speech Stevens reviewed the difficulties of Congress for the five years just passed, the doubts and difficulties in the way when “their elected chief apostatized.” He asserted that the work of reconstruction would have been easy if the Executive had confined himself to his proper sphere, since “the rebels were submissive and asked only to be allowed their forfeited lives.” He retraced Johnson’s usurpations, approving Justice Ruffin, of North Carolina, in his denunciation of the President’s dictating what the Southern States should do. Not one of these governments, said Ruffin, had a lawful government. Stevens arraigned Johnson for using the patronage of office to corrupt the people, and he spoke with special fierceness against the doctrine set up by Raymond, editor of the *New York Times*, for “the President’s squad,” that the “awful horrors and losses and wrongs of the war had made no difference in the constitutions or institutions of the South; and that the nation had no power, in the South, territorial

or civil, not possessed before the war broke out." This idea Stevens denounced as "a strange, wild and wicked doctrine." "Was there ever before a human brain frenzied enough to engender such folly, or a human front brazen enough to utter it? The war had changed everything,—old treaties and leagues had ceased. They cry out against confiscation for crime as if it were inhuman. God willing, I shall try it again and see if they do not pay part of the cost and damages of the war before they help to make our laws."

But the great issue, as he recognized it, was that of negro rights. He would not dodge, nor flinch from the Copperhead cry, "Nigger, Nigger, Nigger! Down with the Nigger party, we are the White Man's party, we are urged to save the daughters of the whites from negro husbands!" "These unanswerable arguments," said Stevens, "will be uttered by unprincipled demagogues possessed of some cunning but no conscience, and they will ring in every low barroom and be printed in every blackguard sheet throughout the land."

Stevens did not shrink from the issue presented by the claims of the negroes, and he announced for the Republicans the doctrine of equal rights,—the immortal democratic creed which asserts that every human being should have equality before the law; that "the laws should apply alike to every mortal, American, Irish, African, German or Turk."

"I need not be admonished," he said, "that the support of this doctrine on the eve of an election is dangerous, especially in counties bordering on the Slave States. A deep-seated prejudice against races has dis-

figured the human mind for ages. For two centuries it has oppressed the black man and held him in bondage after white salvery had ceased to exist. Now it deprives him of every right in the Southern States. We have joined in inflicting these wrongs. How has the Father of this blameless race rewarded this prejudice and treated this despotism? Let the scarfs upon your garments and the gory graves that dot a thousand bloody battle-fields give the sad answer.

“ This doctrine of human equality may be unpopular with besotted ignorance. But, popular or unpopular, I shall stand by it until I am relieved of the unprofitable labors of earth. Being the foundation of our Republic I have full faith in its ultimate triumph. I may not live to see it. I may not be worthy of such happiness. If it is to be finally defeated and the hopes of man thus extinguished, I pray God that when it happens I may be insensible to human misery; that my senses may be locked in ‘ cold obstruction and in death.’ ”

Is there anything in all of Stevens’ long life inconsistent with this noble confession of political faith? Though he stood facing great odds he dared to defy the deep popular prejudices surrounding him, and his campaign message sounded forth like a clarion note or a high call to arms in defense of the rights of man, — of black men as well as white. No man ever stood with a more unswerving or a bolder front for this fundamental article of democracy, — the equal rights of all men beneath the law. In that cause his militant courage never wavered, and his spirit was immortal.

The result of the election was an overwhelming de-

feat for the President. The Republicans elected one hundred and forty-three members to the House of Representatives, the Democrats but forty-nine. This gave the Republicans a three-fourths majority in the House. They had carried every Union state with the exception of Delaware, Maryland, and Kentucky. In the Senate they had more than a two-thirds majority, and it was evident that the congressional party would be able to do as it chose in the matter of reconstruction, regardless of the opinions and vetoes of the President. The people had spoken in unmistakable tones on the subject of reconstruction. The policy of the President had been discredited; the policy of Congress had been sustained. The popular will had been made clear. It was now to be seen how the popular mandate would be interpreted and observed by those in places of power and responsibility.

CHAPTER XVII

MILITARY RECONSTRUCTION

WHEN Congress met in December, 1866, Johnson's policy of reconstruction was regarded as *res adjudicata*. The country had sat in judgment upon it and had thrown it out of court. It had been fully explained to the people and as fully repudiated, while Congress had received an endorsement that was emphatic and complete. If ever we needed in America responsible ministerial government we needed it then. We needed a working system by which the Executive, after such a defeat upon an appeal to the people, would have been forced to resign, and the administrative and legislative branches of the government could have been brought into unity and harmony upon the pressing issue before the country.

After such a crushing defeat before the electorate, Johnson should have resigned or modified his course. He did neither. In his message of December, 1866, he again boldly defended his policy. He asserted that his convictions had undergone no change, but their correctness had been confirmed by time; that the ten political communities at the South "are nothing less than states of this Union," and that "their right to representation is as strong now as it will be ten years hence." He renewed expression of his regret that loyal Senators and Representatives from his recon-

structed states had not been admitted to their vacant seats in Congress, and the chief recommendation of his message was for the speedy admission of Southern members, which would, as he said, "consummate the work of reconstruction."

This seemed like an obstinate reiteration of old ideas, already discredited by the country, and it is not surprising that Congress, refusing to pay any further heed to Johnson, proceeded with plans of its own. It was now known that the Fortieth Congress would have a greater majority against the President and would be more radical than the Thirty-ninth had been, and it was hardly to be expected that, in the closing session of the latter body, much respect or patience would be shown toward Johnson's proposals.

Johnson had said at Cleveland that nothing could turn him from his purpose "but the people and the God who spoke me into existence." The people had done what they could, but since no heed was given to their voice, it was not to be wondered at that the congressional leaders acted upon the theory that the voice who had "spoken him into existence" had as little weight in determining Johnson's course as the voice of the people who had spoken in such unmistakable tones at the ballot box; that if Johnson were guided by any spiritual revelation apart from this world, it was a revelation that came up, not down. A pious old Scotchman had fervently prayed that he might be put right at the outset, because, the Lord knows, if ever he got wrong heaven and earth could not change him. So it was with Johnson, the Obstinate, who had determined in all respects what reconstruction should be,

and no verdict of earth or heaven was to be allowed to change it.

For a President in such a state of mind there was no further use. Since he could not be made to resign he could be ignored. Hereafter Johnson is to be looked upon merely as an obstacle to the work of moderate and conservative reconstruction, or as one of the factors on which the radicals might rely to promote their ends. His obstinate and persistent refusal to co-operate with Congress in reconstruction, and the unhappy results that followed, will ever serve to remind the student of this period of the great loss and calamity that came to his country in the death of Abraham Lincoln.

The people had commanded Congress to advance, not to retreat. Moderate congressional leaders now recognized and openly declared that the people had demanded at the ballot box that an additional condition of reconstruction should be imposed. This meant negro suffrage.¹ Reunion on the basis of the fourteenth amendment might have been, but it was now too late for that. Events were serving Stevens well, and things were coming his way. The fall elections; the persistent attitude of Johnson in spite of the popular mandate; and the action of the Southern Legislatures in rejecting the fourteenth amendment,—all these played directly into the hands of the radical leader. He now used Johnson's obstinacy and his discredited policy for purposes of party discipline. If he could convict any lingering weak-kneed Republican of be-

¹ See Blaine, in the House, Dec. 10th, 1866, and Fessenden and Edmunds, in the Senate, Dec. 19th and 20th.

ing tinged with "Andy Johnsonism," it was sufficient for his purpose.

But a most powerful weapon in his hand, for his radical work, was the attitude of the South toward the fourteenth amendment. It has been charged that Stevens and the radicals neither desired nor expected that the South would ratify the fourteenth amendment, and that the punitive clause of that amendment was inserted with the deliberate purpose of preventing its ratification by the South, and thus defeating its adoption.¹ It is impossible to see how this could be believed concerning Stevens, whose outspoken opinions on the subject were known of all men. He was unwilling to have the South consulted in the matter. If his opponents urged that policy, that was their business, not his. If this charge were believed by Johnson and his political advisers in the North, common political sagacity would have suggested that they should seek to circumvent the radicals by throwing their support to the amendment. If the President with the Democratic party at the North had, at any time after the amendment were offered, advised the people of the South to accept it and come into the Union on the terms that it offered, as Tennessee had been permitted to do, it could have been accomplished.²

Johnson and his followers pursued exactly the opposite course. The President advised the Southern

¹ "This seems to have been inserted for the express purpose of preventing the adoption by the Southern States of any of the amendments proposed. It may not be the *motive* of the committee, but it will be the *result* of their action." Raymond, in the House, May 9, 1866. See, also, Dewitt's *Impeachment of Johnson*, pp. 93-96, and Rhodes, V, p. 609.

² Garfield, in the House, Feb. 12, 1867, *Globe*.

Legislatures to reject the amendment. He would yield nothing to Congress. He denied the right of Congress to pass the amendment while some of the states were unrepresented, and he led the South to hope that a new Congress might offer easier terms. Samuel J. Randall, Democratic member from Pennsylvania, said it were better to punish the Southern leaders by banishment, or otherwise, and not put a stigma upon a whole people; they would not belie their natures by "writing themselves down as slaves at the bidding of this central directory."¹ Randall quoted a fierce denunciation of the fourteenth amendment from an editorial in the *New York Times* that was calculated to further arouse and stiffen resistance in the South. According to the *Times* the amendment was but a "burlesque and a farce," and its proper designation should be, "a plan to prolong indefinitely the exclusion of the South from Congress, by imposing conditions to which the Southern people would never submit." Raymond, of New York, a Johnson Republican, asserted in the House that the Southern States would not seek representation on the conditions proposed; they "would not purchase the mockery of representation at such a price." They would take their chances on a new dispensation, and would wait to see whether in three short years the government would not come into the hands of "the late rebels and their Northern allies."² Senator Dixon, of Connecticut, also a Johnson Republican, spoke to the same effect. He pre-

¹ House, May 10, 1866. This was said of the first form of the third section of the amendment.

² *Globe*, May 9, 1866.

dicted (the wish obviously being father to the thought) that the South would wait to see what the next elections would develop, and he said it was "hardly worth while to discuss the merits of measures which to be valid must be accepted by communities which are sure to reject them."¹

Stevens' plan, of course, would have been wiser,—to have adopted the fourteenth amendment without asking the consent of the Southern States. It must be confessed that Congress showed a lack of common sense and sagacity in asking the Southern leaders and their people deliberately to consent to their own punishment,—a punishment that was made to appear to a proud people like a humiliation. It was said that they were asked to be the instruments of their own dishonor, and to put a stigma upon the men whom they had elected to lead their cause. But that was not Stevens' policy, and in the light of the repeated encouragements that Johnson and his Northern supporters gave to the South to reject the plan that Congress saw fit to impose, it is hardly reasonable to charge upon Stevens and the radicals responsibility for that rejection.² That responsibility lay elsewhere.

True, Stevens expected the Southern States to act as they did. The offer of the fourteenth amendment to the South, against his will, merely gave him an

¹ *Globe*, May 2, 1866, p. 2332.

² Some of the Johnson State Legislatures in the South would very probably have ratified the fourteenth amendment if it had not been for the President's direct interference and advice. He was constantly urging, by letter and telegram, that "there should be no faltering" in the sustainment of "my policy," and holding out false promises as to what they might expect.

added advantage; he could now plausibly assert that its rejection and the testimony of his opponents in encouraging its rejection, exactly confirmed what he had said all along, namely, that the ex-Confederates were not disposed to submit to the national authority any further than they were compelled to by the necessity of force; that if left to a free choice their spirit would be that of defiance. Now that they had had a chance to show their temper, the proof was positive. By the close of 1866 all but three of the Southern Legislatures, following the advice of Johnson and the Northern Democratic party, had rejected this amendment, and it was known that the other three would soon follow in the same policy. In many cases this rejection was almost unanimous, in some cases peremptory. "The most votes they got for it were four," as Stevens said, while combating Bingham's policy of waiting still further for the adoption of the fourteenth amendment. This certainly seemed like an attitude of defiance, if not of contempt. The radicals could now urge with force that terms had been offered that were moderate, reasonable, and fair; that the terms had been rejected with arrogance, and that these states with increased political power, should never again enter the halls of Congress, until "they had changed their tone and manner."¹

The way this action appeared to the people of the North was repeatedly reflected in Congress. "The last one of the sinful ten," said Garfield, "has at last, with scorn and contempt, flung back into our teeth, the magnanimous offer of a generous nation. It is

¹ Wade, Senate, Dec. 14, 1866.

now our turn to act. They would not cooperate with us in rebuilding what they had destroyed. We must remove the rubbish and rebuild from the bottom.”¹ Congress had, in good faith, offered the plan of the fourteenth amendment to the country, and it was understood, though there was no express pledge to that effect, that the great turning point in the readmission of the states was its adoption by the South. What motive was there in its rejection but a spirit of disloyalty, or a partisan purpose for the recovery of power in the hope of being able later to dictate terms that would suit themselves? This was the way the matter appeared to nine-tenths of the victorious Republicans of the North.

Under the circumstances it was not difficult for Stevens and his fellow radicals to convince their party colleagues in Congress that it was the expectation and purpose of their opponents, by a combination of the President, the Democratic party of the North, and the solid unreconstructed South, to restore the “rebels,” not only to their rights, but to political power within the Union. New provisions and guarantees must be had to prevent this consummation.

No one could doubt the honesty of Stevens’ purpose, nor his deep convictions. His qualities as a party leader now stood out preeminently. His leadership had been potent before; the party situation now made it absolute.² Stevens deemed it his bounden

¹ *Globe*, Feb. 6, 1867.

² “Stevens and Sumner were now to see the triumph of their doctrines which had long been treated with contumacy and ridicule. Stevens, truculent, vindictive, and cynical, dominated the House of Representatives in the second session of this Con-

duty to do all that in him lay to circumvent and confound the party politics of his opponents, and secure the dominance of his own, the only true party of the Union. He believed that negro suffrage would help his party to retain power; he therefore favored negro suffrage. He did not urge it as an abstract proposition, nor as necessary to a fair equality of human rights.¹ Though he believed devotedly in the equality of all men before the law in their right to life, liberty and happiness, yet he did not regard voting, regardless of qualification, as a natural right, and in urging unqualified negro suffrage at this time, he was governed chiefly by his party interests. He was no hypocrite and he made no concealment of his purpose.

"I believe upon my conscience," he said, "that on the continued ascendancy of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel states every one of them is sure to send a solid rebel delegation to Congress and cast a solid rebel electoral vote. They, with their kindred Copperheads in the North will elect the President and control Congress."²

In this Stevens merely voiced the opinion of an overwhelming majority of his countrymen. Those who deplore the mistakes of reconstruction — and those mistakes were many, — and those who are ac-

gress with even less opposition than in the first. A keen and relentlessly logical mind, an ever ready gift of biting sarcasm and stinging repartee, and a total lack of scruple as to means in the pursuit of a legislative end, secured him an ascendancy in the House which none of his party associates ever dreamed of disputing." Dunning, *Reconstruction*, pp. 86-87.

¹ See p. 389.

² *Globe*, Jan. 3, 1867.

customed to think of Thaddeus Stevens as a partisan and vindictive reprobate, who was personally responsible for all the ills of those unhappy times, would do well to remember that the partisanship of Stevens was merely the partisanship of his day. He undoubtedly had the endorsement, if not the clear and direct mandate, of his party constituency in the North, as well as the backing of his party majority in Congress. What he did, he did by their approval and consent. It is also well to reflect that for the two cardinal errors in the early history of reconstruction,—those relating to the great amendment that was generously offered as a basis of reunion,—Thaddeus Stevens was certainly not responsible. The first of these errors was in submitting the amendment to the Southern States; the second was in their defiant rejection of it upon its submission,—an action which was one of the most potent and most fatal factors in the whole history of reconstruction.

It is, of course, no tribute to Stevens to suggest that if these errors had been avoided his further purposes would have been thwarted. But if better things came to worse it should be recognized that others were responsible as well as he, and fairness requires that this be appreciated properly, as we come to view the unfortunate policy of reconstruction in which Stevens now becomes the prime promoter.

At the close of 1866, Johnson's plan having been eliminated, there were open to the congressional leaders two possible modes of dealing with the problem of the South. One was to adopt a waiting policy that would let the Southern States alone, recognize them

as organized states with federal rights suspended, but refuse them representation until they were ready to reconsider their action, and, of their accord, accede to the terms that Congress had proposed in the fourteenth amendment. The other mode pointed to a policy of national interference and control that would supersede the governments set up by President Johnson, and set up new governments that would be acceptable to Congress, in the meantime governing the South by national authority until such time as Congress saw fit to restore statehood.

The more radical policy was adopted and Congress began the work of reconstruction anew,—“clearing away the rubbish and building from the bottom up,” as Garfield expressed it. This was, on the whole, probably the wiser of the two courses for Congress to adopt, but a combination of untoward circumstances seemed destined to prevent Congress from adopting a scheme of reorganization that was moderate and wise.¹ There was no longer any hope of cooperation between President and Congress; the rejection of the fourteenth amendment showed that the problem had to be met in the midst of sectional passion and resentment; the frequent and cruel Southern outrages — or the belief in the Northern mind that such outrages were of common occurrence — toward the negroes and Union

¹ Professor Burgess, an eminent political scientist and a student of this period of American history, says that “there can be no question in the mind of any sound political scientist and constitutional lawyer, that Congress was in the right in brushing aside the results of Executive reconstruction in 1867, and in beginning the work itself from the bottom up. It ought to have done so in 1865. . . . While it is strange that Congress did not follow this course in 1865 it is simply astounding that it made such a mess of it in 1867.” *Reconstruction*.

men of the South, leading to the belief that there must be immediate national protection; the feeling that the ballot might be a weapon of self-protection for the negro; Republican bitterness toward Johnson on account of his partisan removals; serious divisions within the councils and among the leaders of the Republican party,—these circumstances, combined with the fact that the problem had to be met in the short session of a few weeks, amid other pressing business of importance, will serve to explain, if not to excuse, what has been considered the culpable shortcoming of the final congressional plan of reconstruction.

These extenuating circumstances, the conflicts and cross-purposes in the midst of haste and hurry, as well as Stevens' agency in the progress of events, are revealed in the record of the last session of the Thirty-ninth Congress.

At the opening of Congress in December, 1866, the Joint Committee on Reconstruction was reappointed, the life of the old committee having expired with the previous session.¹ One of the earliest matters to which Congress directed its attention was that of fixing a day for the meeting of the Fortieth Congress. Johnson was not to be left again to direct affairs alone during a recess of Congress. The latter body was determined to regulate the times of its own sessions, that it might be in position to regulate and control in matters of reconstruction. Accordingly, on December 3, 1866, Schenck, of Ohio, introduced a bill providing for the meeting of the Fortieth Congress immediately upon the expiration of the Thirty-ninth,—so distrust-

¹ December 4, 1866.

ful and antagonistic was Congress toward the Executive. This bill passed both houses and became a law on January 10, 1867.

At the opening of the session the problem of reconstruction was pending before Congress under two forms. One proposal was the bill of April 30, 1866, promising restoration on the basis of the fourteenth amendment and the establishment, in the Southern States, of a republican form of government. This had come before Congress by the order and sanction of the Joint Committee on Reconstruction. It recognized the Southern communities as organized states, competent to ratify an amendment. It involved the submission of the amendment to those states and the recognition of the validity of Johnson's work in reconstruction to a large extent.

This was the policy of waiting, of patience, of giving the South another chance at the conservative offer already rejected. This was the policy still favored by the more moderate Republicans led by John A. Bingham, of Ohio. It is hardly necessary to say that this was not the policy of Stevens. He set himself, as he had been in the previous session, in stout opposition to it, and the difference of view on this policy led to a breach, if not to bitterness, between Stevens and Bingham, two of the ablest of the congressional leaders.

The other proposal before Congress was a substitute offered by Stevens, on January 3, 1867, not on behalf of the committee, but for himself. He offered this as a substitute, also, for the bill that he had introduced and discussed in the closing days of the pre-

ceeding session.¹ Stevens' substitute asserted that the Southern States had forfeited their rights under the Constitution; that they could be reinstated only by action of Congress, and it prescribed a method by which those states were to be permitted to form valid state governments. The Johnson governments were recognized as valid, not as state governments, but for municipal purposes only, and provisions were set forth for holding new state conventions and forming and adopting new constitutions. In the process of new state-making a new electorate was created. The negroes were included,—“all male citizens above the age of twenty-one years”; but all persons who held office, civil or military, under the Confederacy, were declared to have “forfeited their citizenship” and were not to be allowed to vote until five years after they had declared their desire to be reinvested with the rights of citizenship, and, renouncing allegiance to all other governments, had sworn allegiance to the United States.

This was virtually an enabling act providing for the making of new states in the South on the basis of negro suffrage, and the exclusion of the leading ex-Confederates.

On these two policies, or proposals, an extended debate occurred, lasting until the last of January, 1867, till so late in the session that if anything were done at all by the Thirty-ninth Congress it had to be done in a hurry. Such a diversity of opinion developed on the Republican side that Stevens himself was disposed to have his measure laid on the table, and to let the prob-

¹ See p. 420.

lem of reconstruction go over to the Fortieth Congress.¹ In proposing his bill, Stevens made an extended speech, on January 3, 1867. He urged early action, as he deemed it important that some conclusion should be arrived at as to what should be done with the rebel states. They were getting worse and worse, and action was now all the more necessary on account of the late decision of the Supreme Court in the Milligan case. In this case the Court had decided that military commissions and trials by courts martial were unconstitutional, except where a state of war prevented the civil courts from acting. "That decision," said Stevens, "although in terms perhaps not as infamous as the Dred Scott decision, is yet far more dangerous in its operation upon the lives and liberties of the loyal men in the rebel states. . . . That decision has unsheathed the dagger of the assassin, and places the knife of the rebel at the throat of every man who dares to proclaim himself to be now, or to have been heretofore, a loyal Union man. If the doctrine enunciated in that decision be true, never were the people of any country, anywhere or at any time, in such terrible

¹ The strained relation between Stevens and Bingham is revealed in the debates. Bingham sought to have Stevens' bill referred to the Reconstruction Committee, to delay its passage or materially to modify it. Stevens believed that this would be to send it to its grave. His former bill had been sent to this "tomb of the Capulets," and he wished that whatever amendments the House saw fit to propose in the process of perfecting the bill, should be offered in the House without reference to the committee. Bingham remarked that he did "not concur in the declaration of the venerable gentleman from Pennsylvania, that the recommitment of the bill is equivalent to its death," whereupon Stevens retorted that he had not asked his concurrence, and in "all this contest about reconstruction I do not propose either to take his counsel, recognize his authority, or believe a word he says." *Globe*, Jan. 28, 1867, p. 816.

peril as are our loyal brethren at the South." Unless Congress acts speedily for the protection of the freedman and Unionist at the South "against the barbarians who are daily murdering them," he asked every man who loved liberty whether "we shall not be liable to the just censure of the world for our negligence or cowardice."

His bill was designed to enable loyal men to form governments that would be in loyal hands, by which they might protect themselves from these outrages. The Johnson governments "would not convict the murderers that were being turned loose under the Milligan decision," saved from trial by United States military authorities; and provision must be made that such construction should not open the door to greater injuries.

"Congress must not allow the revolution through which the country had been passing to subside until the nation has been erected into a perfect republic. But little had been done toward establishing the government on the true principles of liberty and justice. We have broken the material shackles of four million slaves. We have unchained them from the stake and allowed them locomotion, provided they do not walk in paths that are trod by white men. . . . We have imposed upon them the privilege of fighting our battles, of dying in defense of freedom, of bearing their equal portion of taxes, but where have we given them the privilege of ever participating in the formation of the laws of the government of their native land? By what civil weapon have we enabled them to defend themselves against oppression and injustice? Call

you this liberty, where four millions are subjects, but not citizens? Then Persia with her kings and satraps was free; then Turkey is free! Their subjects had liberty of motion, but the laws were made without and against their will. . . . Think not I would slander my native land; I would reform it. Twenty years ago I denounced it as a despotism; then twenty million white men enchained four million black men. I pronounce it no nearer a true republic now when twenty-five million of a privileged class exclude five million from all participation in the rights of government.”¹

Then Stevens again set forth at length his theory as to the belligerent states of the South. He denied to the President, the mere servant of the sovereign people, who issue their orders to him through Congress, any power to create new states, or to dictate organic laws, or to fix the qualification of voters, or to determine that states are republican. “Though the President is Commander-in-chief, Congress is his commander, and, God willing, he shall obey. He and his minions shall learn that this is not a government of kings and satraps, but a government of the people, and that Congress is the people.” Congress has all power but what is executive and judicial.

He reviewed the shortcomings of the President’s policy that had been condemned by the country. In opposition he demanded that the conquered belligerent, according to the law of nations, should pay at least a part of the damages and expenses of the war; and especially that the loyal people who were plundered and impoverished by rebel raiders, should be fully indemnified.

¹ *Globe*, January 3, 1867.

fied. Treason should be made odious, not by bloody executions, but by other adequate punishments.

These states are now without governments. They must have enabling acts. They must be placed under the guardianship of loyal men, or the blood and treasure of the war would have been spent in vain. He would waive at the time the matter of punishment, though wisdom prompted, in future, moderate confiscations both as reproof and example. Impartial suffrage was to be the rule. That principle had been fixed in regard to the territories and the District of Columbia, and there is more reason why the colored voters should be admitted in the rebel states, being the great bulk of the loyal people. Otherwise these states would be ruled by traitors, and loyal men would be oppressed, exiled, or murdered. Loyal blacks had a better right to choose rulers and make laws than rebel whites. It is necessary to the protection of the loyal white men. The blacks and the loyal whites would act in a body, and, united, they would form a majority, control the states, and protect themselves.

Such a measure as the one for which he was pleading had been urged by the late convention of Southern loyalists at Philadelphia; without it these Union men would be the victims of daily persecutions.

He then spoke of the party purpose.¹ "You must," he said, "divide the South between loyalists, without regard to color, and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. For these, among other reasons, I am for the

¹ See p. 391.

negro suffrage in every rebel state. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it.

“But it will be said, ‘This is negro equality!’ What is negro equality, about which so much is said by knaves, and some of which is believed by men who are not fools? It means, as understood by honest republicans, just this much and no more: Every man, no matter what his race or color; every earthly being who has an immortal soul, has an equal right to justice, honesty and fair play with every other man; and the law should secure him those rights. The same law which condemns or acquits an African, should condemn or acquit a white man. The same law which gives a verdict in a white man’s favor should give a verdict in a black man’s favor on the same state of facts. Such is the law of God, and such ought to be the law of man. This doctrine does not mean that a negro shall sit on the same seat or eat at the same table with a white man. That is a matter of taste which every man must decide for himself. The law has nothing to do with it. If there be any who are afraid of the rivalry of the black man, let them meet their competitors in a fair field, and there will be no danger that their white neighbors will prefer the Africans to themselves. But there will be danger that those will be distanced in the race who are influenced by this senseless cry of negro equality, for I have never seen even a contraband slave who had not more sense than such men.”

Suffrage for the negro is a step forward. It is “an

assault upon ignorance and prejudice, and timid men shrink from it. Are such men fit to sit in the places of statesmen? There are periods in the history of nations when statesmen can make themselves names for posterity; but such occasions are never improved by cowards. In the acquisition of true fame courage is just as necessary in the civilian as in the military hero. It was courage that made Luther the great man of the Reformation, around whom the others revolve as satellites and shine by his light. We may not aspire to fame. But great events fix the eye of history on small objects and magnify their meanness. Let us at least escape that condition.”¹

Between this radical program of Stevens’ and the more conservative spirits on the Republican side of the House, there was to be another trial of strength. Bingham, leader of the conservative Republicans, made a plea for the “grander qualities of magnanimity and mercy” rather than “stern, relentless, even-handed justice,” and Mr. Rhodes expresses the opinion that despite the irritation caused by the rejection of the amendment by the Southern States, such were the differences which cropped out when the details of any measure were considered, that no further act of reconstruction would probably have been passed at this session had it not been for the able and despotic parliamentary leadership of Stevens.²

¹ In this extract I have made some condensation without always indicating omissions, but I think I have faithfully reflected the substance, meaning, and temper of Stevens’ utterance.

² Rhodes says further of Stevens in this passage: “The old man’s energy was astonishing. Vindictiveness seemed to animate his frame. Already bitter enough in his personal antago-

Early in the session,¹ Spalding, of Ohio, prompted by Bingham, as Stevens believed, offered a resolution requesting the Committee on Reconstruction to consider the propriety of again proposing to receive the Senators and Representatives from the South, if they would ratify the fourteenth amendment. Spalding, who could speak of Stevens as his "only senior in this House," complained that he could never take the floor "without being subjected to the caustic criticism of the learned gentleman from Pennsylvania." Spalding sought to explain his position and to defend himself and his more conservative proposal against Stevens' attacks. He pleaded for time before other and more violent measures were adopted. "Let the fourteenth amendment be in the train of adoption where it now is till the fourth of March, then if we find the measure is repudiated with contempt, and flung back in our faces," he pledged himself to go with Stevens and his bill. He urged Congress to proceed with caution, to "listen to the counsels of reason rather than the impulses of passion." Congress was now being urged to impeach the President and to confer the franchise on the freedmen. "What will our people at home think of these rank and radical measures?"² asked Spalding.

Bingham supported Spalding in this policy. He
 nism to Johnson and the Southern people, he added to this bitterness by frequent consultations with those whom he termed 'loyal men from the South' who hated 'the national leaders of opinion,' the men of brain and education in their section, and who aimed at supplanting them in political influence and power." *History of the United States*, Vol. VI, p. 14.

¹ December 10, 1866.

² *Globe*, Jan. 5, 1867.

wished not to recede from the principles of the fourteenth amendment. This amendment had been officially recognized by the committee, and had been given out by Congress as the best basis for future reconstruction. Stevens' more radical proposal had been offered, as Bingham contended, in a spirit of hostility to this amendment, "in the spirit of a distinguished man of this country [referring to Johnson] who had been making war on the amendment, and asking Congress to fling the swindling amendment out of the window." An effort was being made, Bingham asserted, to get the people to reject this amendment as a basis of restoration,—the firm enduring basis of fundamental law for a repealable act in assumption of powers not belonging to Congress. Bingham contended that Congress had power to propose the pending amendment to the Johnson states organized as they were; that the people of these states might recognize their local state governments and ratify the amendment. He sought to sustain his position by the analogy of North Carolina and Rhode Island in 1789 and 1790. "These states, not in the Union nor of the Union, did ratify and accept the Constitution, and thereupon were admitted to representation in Congress. . . . So I submit, the people of the insurrectionary states may proceed with the work of reorganizing, the formation of a constitution, the election of a legislature, and the formal ratification of a constitutional amendment, and all they do in that behalf may by subsequent act of the national sovereignty, by resolution, be made valid."¹

Bingham's argument was a mass of inconsisten-

¹ *Congressional Globe*, Jan. 16, 1867.

cies and could lead to nothing but confusion in political thought, and inefficiency in political action. Stevens was perfectly right in denouncing it as absurd and pernicious, and it was a position which a man of Stevens' keen and relentless logic found it quite easy to demolish. In one passage Stevens' opponents in this controversy would assert that "to ratify a constitutional amendment is the exercise of the power of a state of the Union";¹ in another it would be distinctly affirmed that "those states have no power whatever as states of this Union," and that they could not prevent the other states from adopting the fourteenth amendment and making it valid.² Bingham recognized that the executive and judicial departments of the government were arrayed against this latter view, and he went so far as to assert that if the Supreme Court should venture to declare the adoption of the fourteenth amendment by this process unconstitutional and invalid, the people might see fit to abolish the court itself,—an utterance so radical in its suggestion as to put to shame anything that Stevens had ever proposed toward a coordinate department of the government. For one purpose it was asserted that these Southern communities were states for self-direction and control in determining their relation to the Union, and their decision on questions of their fundamental law; for another purpose it was affirmed that "these disorganized Southern States have no power to legislate on any subject touching life, liberty or property, save by the sufferance of the nation represented in Congress, whose legislative power is absolute and exclusive with-

¹ Bingham, January 16.

² Bingham, January 16.

in these regions that have by rebellion ceased to possess the legal co-active force for local state government." Congress should hold out the olive branch of peace once more, in the shape of the amendment, to states legally competent to accept it; but if they did not accept they were to be thrown over as illegal states, and valid and legitimate states were to be set up in their stead, to be composed of loyal Union men.

The more one reads of these confused and confusing utterances, the more one understands the valid reason for Stevens' unquestioned leadership. He had the unclouded mind to see things clearly and to think through the problem of constitutional restraints with logical accuracy. He knew his solution and the ground for it. He had a doctrine that was consistent, and he was without fear of successful attack upon it. He was at times defeated, often on important propositions, and had to accept less than what he contended for; but from the hour the struggle opened he neither doubted nor wavered as to what he wanted, and during all the long struggle he never laid down a proposition in debate on which he could be convicted of obscurity or inconsistency. He never had to retract, but repeatedly he had the satisfaction of seeing his tardy Republican colleagues come forward to occupy the position that he had held from the start. It was these qualities,—firmness of purpose, clearness of vision and the absence of all doubt and fear—that now enabled him again to overcome his inconsistent and more wavering Republican colleagues.

Stevens was in the habit of calling things by the names that he thought applied to them. Is he to be

censured greatly for denouncing the argument of Bingham and his conservative coadjutors, as absurd nonsense? Was not such a contention a "pernicious obstruction to sound work" in reconstruction? Was the position of his opponents any thing short of self-stultification on the part of Congress? If Johnson's states were to be declared illegal it should have been because they were illegal. If they were illegal they had no right to act on the amendment. So far Congress had not recognized these states by any deliberate act; but to submit the amendment would be to admit their legality, and then, how could Congress proceed to overthrow them on the ground that they had no legal right to be?

Toward those whom Stevens regarded as weak and wavering Republican opponents on this proposition, he was, as usual, unsparing in his severity. He denounced the idea that the fourteenth amendment was to be the final action of Congress with reference to the readmission of the states, as the most "pernicious heresy ever promulgated anywhere by any party. It left us open, if adopted, to the influx from the South of all the unreconstructed rebels that chose to come here. When three-fourths of the loyal states have ratified that amendment it becomes a part of the Constitution. What, then, is there for the Southern States to do but to send their representatives here? If that doctrine is to prevail there is no power to keep them out. . . . What rebel sympathizer could propose a more pernicious action?" "Now, sir, I think I saw this tadpole before it had its present shape." Its present form is due to Bingham,—a soft invitation, a feel-

ing the way. It distinctly invites and legalizes the action of those states on the amendment; while we deny that they have any power or legal right to act as states. Could anything more effectually stultify this body? "The gentleman (Mr. Spalding) did not intend to stultify us, but he would have done it undoubtedly."

As to his animus in urging the policy that he wished adopted, Stevens asserted that while dealing boldly and fearlessly with principles, he wished to deal fairly and justly with all individuals of all parties. He claimed that the adoption of the fourteenth amendment had no bearing whatever on reconstruction, except by providing in its vital feature, "that they shall not overwhelm us by a representation based upon the negroes who are not voters."

Instead of placing before these communities a proposition that none but states could act upon, Stevens proposed to repudiate their pretended governments, erected under a "bastard reconstruction"; to regulate them, and direct them to go on and form such governments as Congress should order them to form. He had voted for the admission of Tennessee, not because that state had ratified the fourteenth amendment, which was of no importance, except as an evidence of loyalty, but because that state had adopted a republican form of government and its new constitution had been ratified by the people. He insisted that Congress should hold the ground he had held from the first: that "these disloyal states are not states known to us, but are captive provinces with certain municipal

institutions which we do not propose yet to disturb, but which are referred to in my enabling acts."

In voting to admit Tennessee he had shut his eyes to the fact that "a loyal negro had been put on the same footing with a rebel, in being excluded from the ballot, and he gave notice that he would never vote for the admission of another state without negro suffrage. When Maynard, of Tennessee, reminded him that if a rebel should go to Pennsylvania he would find political fellowship there, while a loyal negro could not, Stevens replied that Pennsylvania ought to blush, and many others of the Free States ought to blush for the infamous exclusion to which the gentleman refers. But will our blushes whiten the countenance of Tennessee?"¹

¹ *Congressional Globe*, Jan. 5, 1867.

CHAPTER XVIII

MILITARY RECONSTRUCTION '(continued)'

IN spite of Stevens' objection, his substitute bill, together with the original measure of the committee, was referred to the Joint Committee on Reconstruction, January 28, 1867. Ten days later (February 6th), by the instruction of the committee, one Republican dissenting,¹ Stevens reported a new bill to the House. This involved the plan for military reconstruction that resulted in the famous Reconstruction Act of March, 1867. The bill set aside "the pretended state governments of the late so-called Confederate States, since they were set up without the authority of Congress or the sanction of the people; it divided these states into five military districts and made them subject to military rule; the General of the army (Grant) was to assign to the command of each district a regular army officer not below the rank of Brigadier General, with soldiers sufficient to enforce his authority; the commanders were to protect all persons in their rights of person and property, to suppress insurrection, disorder and violence, to punish all criminals and disturbers of the peace, either by the use of civil tribunals or by the employment of military tribunals if deemed necessary,

¹ Probably Bingham.

without interference by any officer or proceeding of the pretended state government; and the courts and judicial officers of the United States were forbidden to issue writs of habeas corpus on behalf of persons in military custody.

The day after offering the bill Stevens explained its purpose in a brief speech and called for immediate action. Already there had been several weeks of discussion, and as he did not see that anything was to be gained by further debate, he felt bound on the morrow to call for a vote. For nearly two years, he asserted, these states had been lying in a disorganized condition, and they have now no governments that are known to the Constitution and laws of the United States. Lack of harmony in the councils of the dominant party has caused this delay. The Executive has attempted to enact new laws and to authorize the conquered territory to be represented in Congress without the action of the sovereign power of the nation. The sovereign power of Congress has repudiated the authority which has attempted to place states within those conquered provinces and has patiently waited in the hope of realizing harmony in our councils. The hope has failed and a pertinacious Executive has sought to maintain the usurpation of pretended governments. And now, at this late period, it has become the duty of Congress to assert its right and to do its duty in establishing some kind of government for this people. Such was the substance of Stevens' apology in presenting this bill.

"For two years these pretended states," said Stevens, "have been in a state of anarchy; for two

years the loyal people of those ten states have endured all the horrors of the worst anarchy of any country. Persecution, exile and murder have been the order of the day within all these territories so far as loyal men were concerned, whether white or black, and more especially if they happened to be black. We have seen the best men, those who stood by the flag of the Union, driven from their homes and compelled to live on the cold charity of a cold North. We have seen their loyal men flitting about everywhere through your cities, around your doors, melancholy, depressed, haggard, like the ghosts of the unburied dead on this side of the river Styx, and yet we have borne it with exemplary patience. We have been enjoying 'our ease in our inns'; and while we were praising the rebel South and asking in piteous terms for mercy for that people, we have been deaf to the groans, the agony, which have been borne to us by every southern breeze from dying and murdered victims.

"And now we are told that we must not hasten this matter. I am not for hastening it unduly; but I am for making one more effort to protect these loyal men, without regard to color, from the cruelties of anarchy, from persecutions by the malignant, from vengeance visited upon them on our account. If we fail to do it, and to do it effectually, we should be responsible to the civilized world for, I think, the grossest neglect of duty that ever a great nation was guilty of before to humanity.¹

The bill, then, proposed to put the "ten disorganized states" under the control of the army. "That is

¹ *Globe*, Feb. 7, 1867, p. 1076.

the whole bill," said Stevens. "It does not need much examination. One night's rest after its reading is enough to digest it." There were now less than fifteen days on the safe side of a veto in which the bill must be brought to passage in both houses. Its friends were, therefore, not at liberty to indulge discussion, and "to-morrow," said Stevens, "God willing, I will demand the vote."

The purpose of this measure, the theory of it, or the conception of the situation on which it was based, are frequently misunderstood. It was not intended as a reconstruction bill. The preamble of the bill set forth the reason for it: That the "pretended state governments" of the South afford no adequate protection for life or property, but "countenance and encourage lawlessness and crime"; and that "it is necessary that peace and good order should be enforced until loyal state governments can be legally established." The bill was proposed and supported by its advocates distinctly as a war measure, on the theory that war was still existing; that the South was in a state of anarchy, rebellion, disorder and disloyalty. The bill was a new article of war, "commanding the army to return to its work of putting down the Rebellion" and keeping the peace till the nation could provide suitable republican governments there.¹ The bill rested for its defense, according to its advocates, entirely upon such a state of facts. There was a state of war in the South, not flagrant, but *cessante* as Mr. Shellabarger expressed it. The bill, in authorizing the suspension of the writ of habeas corpus did so on the assumption that the re-

¹ Garfield, *Globe*, Feb. 8, 1867, p. 1104.

public was in a condition of rebellion, and the public safety required "the exercise of this mighty reserved force of your government lodged in the ultimate powers of war." Flagrant rebellion in the field had been crushed by the arms of the republic, but this rebellion was still sufficiently strong to overthrow and defy the courts in nearly half of the republic. "If this is not the condition of the country," said Mr. Shellabarger, "then we must abandon the bill."¹

Mr. Shellabarger asserted that he could not support such a military measure if it were to be regarded as at all permanent in character. Mr. Brandegee, of Connecticut, in supporting the measure, asserted that "already fifteen hundred Union men have been massacred in cold blood, whose only crime has been loyalty to the flag."²

Mr. Boutwell, of Massachusetts, asserted that the South was "writhing under cruelties nameless in their character, injustice such as has not been permitted to exist in any country in modern times," and that the President had allowed a rebel despotism to be enthroned there that must be broken up.³ Mr. Kelley, of Pennsylvania, defended the bill merely as a police measure, the necessity for it arising because of the perfidy of the President. He had set up states whose laws depended upon his temper or the state of his digestion, whose statutes he suspends or enforces as it please his whim. They were not "states" but were the offspring of Executive usurpation and "when

¹ Shellabarger, Feb. 8, 1867, *Globe*, p. 1099.

² Blaine, *Twenty Years of Cong.*, Vol. II, p. 252.

³ *Globe*, Feb. 9, 1867, p. 1122.

we have brushed these usurpations aside " as Congress is in duty bound to do, the law will arise which it was the purpose of this bill to restore, namely, the law that "was in force when Lee and Johnston surrendered." ¹

It was on this ground only, as a war measure prompted by public necessity, that Stevens defended the bill as he pressed it to passage. He called it "a police bill," a temporary substitution for anarchy, designed to provide "something that will give protection to the people of the Southern States and prevent the murders, robberies, and slavery there until we can have time to frame civil government more in conformity with the genius of our institutions." ² If conditions existed in the South such as the promoters of this bill claimed, then the bill is to be judged, not from the standpoint of a Constitution operative in a restored Union, but from the point of view of war and public necessity. If the conditions were those of insurrection and war, the Constitution had nothing to do in restraint of power that might be exercised by the government of the United States.

The House, refusing to sustain Stevens' motion for the previous question, entered upon a week of debate. Bingham and Blaine, for the conservative Republicans, sought to amend the bill so as to provide for the termination of military rule and for early reconstruction on the basis of universal suffrage. Blaine was unwilling to support a measure that would place the South under military government if it did not at the

¹ Kelley, Feb. 12, 1867, *Globe*, p. 1177.

² *Globe*, Feb. 8, p. 1104.

same time "prescribe the methods by which the people of a state could by their own action reestablish civil government." Blaine, therefore, urged his amendment, declaring that when any one of the late Confederate States should assent to the fourteenth amendment and provide by its constitution for impartial male suffrage, without regard to race or color, and when such constitution shall have been ratified by the popular vote of said state, then such state should be declared to be entitled to representation in Congress.¹ Bingham denounced Stevens' "dogma, that those ten insurrectionary states were a foreign and conquered country," and affirmed that every act of legislation "from the day this Rebellion commenced to this hour asserts the very contrary." He asserted again that these states were states of the Union, not conquered territories, and their citizens should be accorded the rights of other citizens. Yet, to defend himself from the Democratic position, to save himself from "Andy Johnsonism," he affirmed that Congress had undoubted power to legislate over those insurgent states "without their consent and against their consent," and that their state courts were to be allowed no such jurisdiction as those of other states.

Bingham's argument seems rather abstract and doctrinaire, based largely in opposition to the phrase,— "so-called states," in the preamble of the act. He wished the Southern communities called "states," but he was not willing to be consistent by going to the length of the Democratic position and treating them as states in all respects, with all the rights, powers and

¹ *Twenty Years of Cong.*, II, p. 256.

privileges of the other states. Stevens regarded Bingham's opposition as "captious and discourteous."¹

The Democrats and Johnson Republicans denounced the bill in vigorous terms. Mr. Le Blond, of Ohio, said that its passage would be the "death-knell of civil liberty," and the dissolution of the Union. "Its preamble, admitting the right of secession, embraces not a single truth." No one, in Mr. Le Blond's view, had a right to expect perfect peace throughout those states as soon as the war ended. In the nature of things there would be lawless conduct on the part of many citizens. The radicals desired such disorder, that they might base legislation upon it and carry out their designs. This maelstrom committee, swallowing up everything that is good and giving out everything that is evil, reports this bill taking from the President his powers as Commander-in-chief of the army in defiance of the Constitution. No one had ever heard of such a monstrosity, such a stretch of power on the part of Congress as authorizing military commanders to confer power on civil tribunals to try civil cases. "The bill denies the right of trial by jury and strikes down at a blow every important provision of your Constitution. It paralyzes the arm of the judiciary and repudiates the decision of the Supreme Court. It is an attempt to destroy the Union by legislative usurpation; and in my honest conviction nothing but the strong arm of the American people, wielded upon the bloody battle-field, will ever restore civil liberty to the American people again."²

¹ *Globe*, Feb. 13, 1867, p. 1213.

² *Globe*, Feb. 1867, p. 1078.

A few days later, on February 12th, in discussing a proposed bill for the civil government of Louisiana, Le Blond distinctly affirmed that in the conflict of opinion on the Republican side of the House, Stevens was the one man who foresaw the difficulties that were to be encountered. Le Blond evidently thought the bill might be made unpopular if it could be shown to rest on Stevens' "conquered province theory." "At an early period in this contest," said Le Blond, "he (Stevens) foresaw where we were drifting, and for the purpose of meeting it, he at once took the position that these states were conquered provinces whose people were subjects to be dealt with according to the will of Congress. But who does not remember that when he proclaimed that doctrine in this House there were not within these walls ten men who approved it? Since that period a change has come over the spirit, over the dreams of the other side, and we now find them, if not yielding themselves willing subjects to his doctrine, at least willing to vote for provisions quite as bad and quite as revolutionary as any that have been directed by that gentleman." ¹

Mr. Finck, of Ohio, another Democrat, denounced the bill as "an attempt to overthrow free government and to establish on its ruins the principles of military despotism." It is at war with the Constitution. The only ground for it was the revolutionary theory of its author, the theory of conquest. No government can continue to be free when one-third of its people are subject to military power. We can not perpetuate the Union of the states on principles of hatred, malice,

¹ *Globe*, Feb. 12, 1867, p. 1170.

and revenge. "Do we expect to make the people of the South love the Union by trampling upon rights as sacred to them as they can be to us?"¹

Finck denied that there was a state of war existing within the Union,—the assumption on which the bill rested. "There is not in any one of these states," he said, "a single arm upraised against the just authority and jurisdiction of the United States. We are in a state of peace. The purpose is to compel these states to endorse the policy of the radicals whose doctrines, if carried out successfully, would subvert the Constitution and disrupt the Union. The effect of this bill is to prevent the Union of the states and to strike down the great right of local government. It is an attempt not only to control the government of a state, but to take power out of the hands of your own race and to confer it upon another race." For this and other reasons Finck denounced the bill as "monstrous and revolutionary."²

Henry J. Raymond, of New York, in a speech of considerable length, denounced the bill as a "simple abnegation of all attempts to exercise civil authority." He denied its necessity; no emergency called for it. He affirmed that the President had restored peace. The war "is ended in every sense: in a legal sense, in every international sense, in the sense of the Constitution." He denounced the measure as one of the "most violent the ingenuity of man could devise. Stevens' bill," he said, "that had been sent to the committee was

¹ *Globe*, Feb. 7, 1867, p. 1078.

² *Globe*, Feb. 12, 1867, p. 1170. Finck's speech here referred to was on a bill providing a civil government for Louisiana, but his remarks apply also to the pending military bill.

far preferable to this one. The passage of such a bill will disturb business and confidence everywhere and will not in the slightest degree tend to restore peace and harmony in the Union."

Stevens proved more than a match for his opponents at every turn. He paid no attention to the spokesman of Andrew Johnson in the House, Mr. Raymond, nor to the Copperhead opposition of Le Blond and Finck. It was enough to know that they were the friends and apologists of rebels. He taunted his weak-kneed Republican colleagues, who wished to delay or amend his bill, with having been convinced by the arguments of the President,—and the sentiment of the country was so pronounced against Johnson that such a reference never failed to make his opponents wince. He prevented amendments from coming to a vote, and finally he defeated on a decisive test Blaine's motion to refer the bill for revision to the Committee on the Judiciary.

It was on the 13th of February, 1867, that the decisive vote occurred in the House. Stevens, though in his seventy-fifth year and in a weak state of health, manifested a remarkable vigor in his management of the bill and in his final speech just before the vote was taken. He professed depression of spirit and grief because of the supineness of Congress and the distressed condition of the country. Here Congress has been sitting for months, and while the South has been bleeding at every pore nothing has been done to protect the loyal people there in their persons, liberty, or property. He would indulge, not in reproach, but in grief rather, since we live here "enjoying ourselves, those

of us who have health and spirits, while the South is covered all over with anarchy, murder, and rapine." We have declared that the President has usurped authority, and that what he has done is void in the face of the law; that Congress alone has power to erect governments and protect the people. Yet we sit by and move no hand and raise no voice to effect what we declare to be the duty of Congress. It is a great dereliction of duty.

Stevens replied to the criticism that the committee had proposed no plan of reconstruction. He recounted the effort he had made for his own bill that had been under discussion for three weeks. He had wished that bill perfected in the House, but his wish had been defiantly refused. He had sought to save the bill from death in the Committee and he thought it uncivil, unjust, and indecent not to attempt to amend it and make it better. Our vigorous friend from Ohio [Bingham] had assured us that the bill would come back from the committee fresh and blooming, but it had not come, and he [Stevens] had accepted a position that he could not help. He had labored upon his bill, in conjunction with committees of loyal men from the South, had altered and realtered it, written and rewritten it several times. He had warned the House that if that bill should go back to the committee, it must die. This bill that now comes in lieu of it encounters the same obstacles in precisely the same spirit. There are in it some words difficult to spell; adverbs are improperly placed; gentlemen object to its particles and its articles; and "my friend from Ohio [Bingham] declared this morning with proper exultation that he had

succeeded in passing through this House a bill which uses the word 'states' precisely as the President uses it in his theory as to the right of admission of those claiming to represent the rebel states."

That which most aroused the fighting spirit and opposition of Stevens was what he denounced as the "pertinacious determination" of the conservative Republicans to make the fourteenth amendment a final condition of readmission and reunion. That was the purpose, chiefly, of the Blaine amendment. Stevens denounced it as a "step toward universal amnesty and universal Andy Johnsonism,—it lets in a vast number of rebels and shuts out nobody." "If this Congress so decides, it will give me great pleasure to join in the *io triumphe* of the gentleman from Ohio in leading this House, possibly by forbidden paths, into the sheepfold, or the goatfold, of the President."¹

Stevens felt that the fight in which he was engaged was one for justice and liberty. "If, sir," he said, "I ought presume upon my age, without claiming any of the wisdom of Nestor, I would suggest to the young gentlemen around me, that the deeds of this burning crisis, of this solemn day, of this thrilling moment, will cast their shadows far into the future, and will make their impress upon the annals of our history, and that we shall appear upon the bright pages of that his-

¹ In this discussion Mr. Stevens incidentally remarked that he had no respect for the fourteenth amendment, by which he meant, obviously, as a final basis for reconstruction. Though that amendment was not as Stevens had sought to make it, as we have seen, yet it was, in the main, in harmony with his principles and purposes. He wished to impose more as a basis for readmission, and was especially unwilling for Congress to be tied up to this amendment in advance as a finality in reconstruction.

tory, just in so far as we cordially, without guile, without bickering, without small criticisms, lend our aid to promote the great cause of humanity and universal liberty.”¹

He referred to the spirit of forgiveness and mercy so much enunciated by the opposition. But he thought that when generosity and benevolence, “the noblest qualities of our nature,” are “squandered upon vagabonds and thieves,” no respect could be had from any quarter. The forgiveness of the gospel refers to private offenses, “where men can well forgive their enemies and smother their feeling of revenge without injury to anybody.” But that has nothing to do with municipal punishment, with “political sanction of political crimes.” When nations pass sentence and decree confiscation for crimes unrepented, there is no question of malignity.

“When the judge sentences the convict he has no animosity. When the hangman executes the culprit he rather pities than hates him. Cruelty does not belong to their vocabulary. Gentlemen mistake, therefore, when they make these appeals to us in the name of humanity. They, sir, who while preaching this doctrine are hugging and caressing those whose hands are red and whose garments are dripping with the blood of our and their murdered kinsmen, are covering themselves with indelible stains which all the waters of the Nile can not wash out.”²

Following this speech the motion to refer the bill to the Judiciary Committee was defeated and the bill was put upon its passage. It passed the House by a

¹ *Globe*, Feb. 13, 1867, p. 1214.

² *Globe*, Feb. 13, 1867, p. 1214.

vote of one hundred and nine to fifty-five, twenty members being recorded as "not voting."

Before making the motion to reconsider and to lay that motion on the table, in order to prevent reconsideration, Stevens arose and with some exultation inquired "if it is in order for me now to say that we endorse the language of good old Laertes that Heaven rules as yet and there are gods above?"¹

The bill had its first reading in the Senate the day it passed the House. There were pronounced differences of opinion among Republicans there, as there had been in the House, and it was apparent that unless these were reconciled by some authoritative action on the part of the majority, debate would be continued unduly and no bill could be passed in the limited time. Accordingly, a caucus was held of the Republican Senators which agreed upon a substitute bill, and this was passed by the Senate after an all-night session at six o'clock Sunday morning, February 17th.

The first four sections of the Senate bill were the same as the military bill of Stevens, except that the President instead of the General of the army was given the power to appoint the commandants of the

¹*Globe*, p. 1215. Mr. Rhodes says of this occasion: "Stevens carried this bill through an unwilling House; a strong minority of his own party was opposed to it largely for the reason that pure military rule without any provision for its termination was unpalatable. He obtained his majority by sarcasm, taunts, dragooning and by cracking the party whip. There had been no such scene in Congress since Douglas carried his Kansas-Nebraska bill through the Senate. Bingham, a veteran; Blaine, very adroit for a member serving his second term only, were unable to cope with the leader; both voted with him on the passage of the bill." *Hist. of U. S.*, Vol. VI, pp. 17, 18.

several military districts; it was deemed unconstitutional for Congress to deprive the President of his constitutional power as Commander-in-chief. But the Senate also inserted what was substantially the Bingham-Blaine amendment which had been voted down by the House.¹ This provided in the fifth section that when any one of the said rebel states should have formed a constitution in harmony with the Constitution of the United States,—framed by a convention of delegates elected under manhood suffrage regardless of race, color, or previous condition of servitude, excepting such as may be disfranchised for participating in rebellion; and when the state constitution should provide for such manhood suffrage for the future; and when the Constitution should have been ratified by a majority of qualified voters and submitted to and approved by Congress; and when the state, by its legislature, should have ratified the fourteenth amendment and that amendment had become a part of the Constitution of the United States—then, after these conditions were fulfilled, the state should be declared entitled to be represented in Congress and its Senators and Representatives should be admitted upon their taking the “iron-clad” oath as required by law. Thereafter the military sections of the act were to be inoperative within the state.

This was entirely a different bill from the one whose passage Stevens had secured in the House. Instead of a temporary bill designed to restore order under military rule until time could be had for perfecting a suitable scheme of restoration, the Senate prepared,

¹ Rhodes, VI, p. 19.

in a hurry, and offered to the country a final plan of reconstruction.¹ Stevens has suffered the fate of being held up in history as being the chief sponsor and promoter of this scheme of forcing negro suffrage on the South by military rule. The scheme was not his, and, as on former occasions when the Senate had interfered with legislation that he had proposed, he resisted it with all his might. "The worst feature about the Reconstruction Acts," says Mr. Rhodes, "was not the military government. Honest government by American soldiers would have been better than negro rule forced on the South at the point of the bayonet, which was the actual result of this legislation." But it should be remembered that "negro suffrage was grafted in the military bill by the conservative Republicans and was resisted by Stevens."²

True, Stevens was not prompted in this opposition by any motives of benevolence and mercy toward the

¹ In June, 1867, the *Nation* criticized Stevens for his public letter in which he called for an extra session of Congress to mend the defects in the Reconstruction Act which had been exposed by Attorney-General Stanberry. The *Nation* said this act should have been fully discussed, as that would have brought out its defects and its friends could have perfected it. Stevens, "old and experienced as he is, should learn the lesson of the mischievousness of the habit which he indulges in more than any one else, of checking and stifling debate on important measures." *Nation*, June 20, 1867. This is said as if Stevens were responsible for pushing through this hurried and defective legislation. Exactly the opposite is true. He opposed it stoutly, for the very reason that there was not sufficient time to consider it. He had urged a general scheme of reconstruction on Congress for many months, but now that the last weeks of the Thirty-ninth Congress had come and nothing had been done, he sought "honest government by American soldiers," until the Fortieth Congress could digest a suitable scheme. The more conservative "safe and sane" Republicans should bear the chief burden of credit, or discredit, for this hurried legislation.

² *Hist. of the U. S.*, VI, p. 29.

South. It may be said by his critics that any plan he would have consented to could only have been a worse one and that, in his Senate bill, he favored only what was bad and objected only to what was good. Let him be judged by the judgment that is his due. But it is essential that the record shall not be confused nor belied, and that responsibility for military reconstruction as it was finally consummated should rest where it belongs, and that record shows that it does not rest primarily upon Stevens.

The Senate bill came up in the House on February 18, 1867, the day after its passage by the Senate. As soon as it was read Stevens moved that the amendments of the Senate be not concurred in and he asked for a committee of conference. Stevens yielded a part of his time to Boutwell, of Massachusetts, and Stokes, of Tennessee, who spoke in opposition to the Senate plan, because by it reconstruction would be carried on under the agency of "disloyal" men. It provided for universal amnesty and universal suffrage. There was no discrimination in favor of the "loyal," and under this plan, since every rebel in the South was admitted to the ballot, the loyal men, white and black, would go under.¹

Stevens then attacked the Senate amendments in a brief speech of his usual vigor. He regretted that the Senate had attempted the difficult task of attempting civil government in the South. The House bill had not a word in it beyond a police regulation for protection. The Senate has sent back a bill which raises the whole question in dispute, as to the best mode of

¹ *Globe*, p. 1316.

reconstruction by distant and future pledges, which this Congress has no authority to make and no power to execute. He objected to taking the management of these states from the General of the army and putting it in the hands of the President. "Our friends who love this bill love it now because the President is to execute it, as he has executed every law for the last two years, by the murder of Union men, and by despising Congress and flinging into our teeth all that we seek to have done. That seems to be the sweetening ingredient in this bill for many of our friends around us." Stevens held to the constitutional authority of Congress to detail for particular service particular officers of the army.

Stevens' most strenuous objection was to the provision of the new fifth section of the Senate bill, that which pledged the government "to all the traitors in rebeldom" that if they would do certain things they might "come into this House and act with us as loyal men." Appealing to the party instincts and interests of his colleagues, he referred to "the impatience to bring in these chivalric gentlemen lest they should not be here in time to vote for the next President of the United States," and, therefore, there is to be grafted on a police bill a provision that will enable them to be here in time. He said he was willing to have them "come in as soon as they were fairly entitled," but he did not profess to be very impatient to embrace them, and he was not anxious to see their votes cast along with others to control the next election of President and Vice-President.

Stevens here took occasion to refer in an ironical

way to the idea which he had formerly combated, that a few loyal men might constitute a state for reconstruction purposes. "There was a time," he said, "when some people, and among them that good man who is now no more, carried, as I thought, the idea of reconstruction by loyal men rather to the extreme. The doctrine was once held that in these outlawed communities of robbers, traitors, and murderers, so far as the real state was concerned, it consisted of the 'loyal men' of the community and that the others counted for nothing. I do not say that I hold this doctrine, not being myself an extreme man [laughter], but it was held by gentlemen all around me and it was held by the late President of the United States. But now the doctrine seems to be that the state is composed of loyal men and traitors. We ignore wholly the disloyal element in all the states and are hurrying to introduce these disloyal men among us."

It was Stevens' plan to have the Thirty-ninth Congress pass only his military bill and allow the more radical Fortieth Congress to deliberate on reconstruction. He then hoped to secure the disfranchisement of the "rebels," the enfranchisement of the negroes, and a "moderate plan" of confiscation, and then to delay the restoration of the Southern States to their privileges within the Union until they were well ready to participate in governing the country.

He would deem them "ready" when they were well under the control of men who were loyal to the Union and to the true principles of democratic equality. He was not anxious to have these states ready to vote for President in 1868. He objected to "the

anxiety for universal amnesty." "Is there danger," he asked, "that somebody will be punished? Is there any fear that this nation will wake from its lethargy and insist upon punishment by fine, by imprisonment, by confiscation, or that a spirit will be raised in this nation which sleeps only here and which no other nation ever before allowed to slumber?" It riled his spirit to see confiscated property of the United States given back to enrich rebel enemies; to see Unionists suffer poverty and deprivation, whose houses had been laid in waste, farms robbed and cattle taken, "while Wade Hampton and his black horse cavalry are to revel in their wealth, and traitors along the Mississippi valley are to enjoy their manors.

"Sir, God helping me and I live, there shall be a question propounded to this House and to this nation, whether a portion of the debt shall not be paid by confiscated property of the rebels."¹

When a vote was reached on the Senate bill, which Stevens felt forestalled and prevented his scheme, it was rejected by the House.² Stevens then carried a motion for a committee of conference, a result that was brought about "by a coalition of all the Democrats with a minority of extreme Republicans."³

The Senate refused a conference and insisted upon its bill. Thus with only thirteen days of the session remaining, during ten of which the President was certain to keep the bill before returning it with his veto, it looked as if, by a disagreement of Republicans, re-

¹ *Globe*, Feb. 18, 1867.

² By a vote of 98 to 73, *Globe*, Feb. 19, 1867, p. 1340.

³ Blaine, *Twenty Years*, II, p. 260.

construction would be defeated or be left over to the Fortieth Congress. "Under the pressure of this fear," says Mr. Blaine, "Republican differences were adjusted, and the Senate and House found common ground to stand upon by adding two amendments to the bill as the Senate had framed it." One of these was that of Mr. Wilson, of Iowa, which provided that those excluded from office by the fourteenth amendment should also be excluded from voting for, or acting as, delegates to the state constitutional conventions.¹ The other amendments, offered by Mr. Shellabarger, of Ohio, provided that until the people of the rebel states should be admitted to representation in Congress, any civil government therein should be considered as provisional only and "in all respects subject to the paramount authority of the United States at any time to abolish, modify, control or supersede the same." No person was to be allowed to hold any office under this provisional state government who was disqualified by the fourteenth amendment, and none was to be allowed to vote except those specified and described under the provisions of this act.

While these amendments were before the House, the Democrats filibustered for delay. Stevens acted as a spectator, not voting on their dilatory motions. Stevens voted for the Wilson-Shellabarger amendments, the latter being added as an additional section of the bill, and he then voted for the passage of the bill so amended.²

¹ *Globe*, Feb. 19, 1867, p. 1356.

² The record hardly bears out the assertion that Stevens "filibustered" on this occasion to defeat this measure. He merely gave the consent of his silence. The *Nation* says that

The concurrence of the House in the Senate bill was also promoted by the insertion in the Army Appropriation Bill of a provision depriving the President of all power to interfere with the execution of the Reconstruction Act. This was done by a clause in the appropriation bill providing that all military orders and instructions should be issued through the General of the army (General Grant), whose headquarters should be at Washington, and that all other orders should be null and void. Power was denied to the President to remove, suspend, or relieve the General from command, or assign him to duty elsewhere,—a palpable violation of the constitutional provision which makes the President the Commander-in-chief of the army.

The military bill passed the House on February 20, 1867. Stevens consented to it, but he was by no means satisfied. He was not its author, nor its defender. He accepted the amended bill as the best that could be had at the time, but he regarded it as Sumner characterized it in the Senate, as containing

Stevens "filibustered in vain in favor of his own scheme of military government without limit or qualification," and refers to "the combination of Mr. Stevens with the Democratic members to secure the defeat of the military bill." The editor says that Stevens, believing that every delay in reconstruction will make the final settlement more severe upon the South, "willingly accepts all the aid he can get from the wise (?) politicians like Mr. Le Blond who oppose him in principle but help him in practise."

The *Nation* was a strong supporter of the reconstruction measures as they were finally passed. *New York Nation*, Feb. 21, 28, 1867. No doubt Stevens could have defeated the measure if, instead of being a silent onlooker, he had asserted himself to arouse radical opposition while the advocates of the Senate bill were arranging compromise amendments that would placate and satisfy the radical contention.

much that is good, but as "a very hasty and crude act of legislation," and as "coming far short of what a patriotic Congress ought to supply for the safety of the republic."¹

The Senate passed the amended bill in a night session, the same day that it passed the House. Johnson held it for the constitutional limit of ten days before returning it to the House with his veto. His veto came in on Saturday afternoon of March 2nd. The Thirty-ninth Congress was to expire at noon Monday, March 4th.²

Upon the reading of the veto message, Stevens immediately moved that the House consider the question whether it would pass the bill notwithstanding the objections of the President. Eldridge, of Wisconsin, in the minute of time allowed for protest, recognizing that it was not within the physical power of the minority to defeat the bill by filibustering, denounced it as "a dissolution of the Union." Le Blond called it "the death-knell of republican liberty upon this continent," and he asserted that if enough numbers would stand with him he would never consent to the passage of the bill "unless overpowered by physical exhaustion or restrained by the rules of the House." Mr. Finck again denounced the bill as "a monstrous scheme to sub-

¹ *Globe*, Feb. 20, 1867, p. 1626.

² Dewitt must be mistaken in his assertion that Johnson might have defeated the Reconstruction Act by the absolute negative of his pocket veto but that he took no advantage of the opportunity. *Impeachment of Johnson*, p. 203. The bill passed the Senate on February 20th, twelve days before the expiration of the Thirty-ninth Congress. Johnson conceded nothing to his opponents in the partisan game, nor was he disposed to agree with his adversary quickly, from fear of a more sweeping and drastic measure.

vert constitutional government in this country," and he said he would aid every legitimate parliamentary effort for its defeat.

Mr. Thayer expressed the opinion that the House had had enough of this entertainment, and Mr. Stevens took the floor to bring the bill to its passage. He said that he had listened with patience to the gentlemen; that he would not be discourteous, for he was "aware of the melancholy feelings with which they were approaching this funeral of the nation, amid a difference of opinion among the mourners to an extent that we can not expect to harmonize."

Stevens then called upon Blaine to offer a motion for a suspension of the rules. The rules were suspended and the bill was passed by the House by a vote of one hundred and thirty-five to forty-eight, amid applause on the floor and in the galleries. The Senate passed the bill over the President's veto on the same day by a vote of thirty-eight to ten, and the Military Reconstruction Act became a law.

This act has been frequently referred to as one of the most unjust and direful that ever passed the American Congress, and the odium that has been held to attach to it has been heaped chiefly upon the head of Thaddeus Stevens, as if he alone of all men was responsible for it. The act has been denounced as a personal expression of Stevens' hatred and vindictiveness toward the South. His record for vindictiveness is bad enough, and it is not improbable that his determined purpose to punish the South would have wrought something worse than this military bill into the legislation of his country could he have had his

way. But it is absurd to place upon Stevens alone these evil aspects of reconstruction. True, he holds a preeminence for his fierce language of denunciation toward slaveholders and the leaders of the Rebellion. But history can accord him no monopoly on the spirit of sectional hatred, begotten of war, no monopoly on the desire to deprive the ex-Confederates of political power and to punish them for the wrongs and sufferings that war entailed. That spirit and desire were all but universal in the ruling party of the North. The minority party was so impotent as to be negligible. It should be remembered that this legislation came into being at a time when the vindictive passions of war were shared by all, and it is likely that sectional hatred was as general and positive in the South as in the North. What the South would have done with Stevens and his fellow-radicals if the tables had been turned, no one has yet attempted to set forth. It is not likely that "Old Thad" and his "abolition cohorts" would have been the objects of brotherly affection, to be restored quickly to equal power in a slaveholders' Union which "traitorous abolitionists" had failed in their attempt to destroy.¹

¹ "It is probable that since time began there has never been an example of the hatred of one people for another so measureless in degree, so unfathomable in depth, so utterly groundless in fact, as the hatred of the people of the South for the people of the North. There was a spirit of malignant vindictiveness, the offspring of hatred." Southern Union Refugee in Open Letter to President Lincoln, 1863. This is but one testimony of many that might be adduced to show that the passions of hatred were at least as strong in the South as in the North and that Stevens' utterances and policy but reflected the common temper of the country so far as unbrotherly feeling was concerned. When a great and gentle spirit like Phillips Brooks could speak as he did soon after the death of Lincoln, one may understand, to a degree, how the Civil War had wrought upon the hateful

The responsibility for this bill, which, as we have shown from the record, Stevens denounced and sought to defeat, should rest with the Republican leaders of the Senate, with the majority that passed it in both houses of Congress, as well as with the people of the North who besought its enactment and who backed the measure with an overwhelming body of public opinion. Stevens did not arouse this spirit of vindictiveness; he merely shared and expressed to an exceptional degree what was indulged by all.

It is equally unjust to say that Stevens' declarations on Southern conditions were "prompted only by hate and revenge" and were "entitled to no credence."¹ His declarations on that point (not in support of this bill but of his own temporary military bill) were the declarations of his party majority. His opinions and expressions on this point were shared by his colleagues, by their constituencies in the North, and by the enlightened organs of the public will. They were the declarations of Wilson, Sumner, Wade, Sherman and Fessenden in the forum; they were the declarations of Generals Howard, Thomas, Sheridan, Sickles and other commanders in the field; they were the declarations of men like Carl Schurz, George William Curtis, James Russell Lowell, Joseph Medill, and other

passions and resentment of noble men. "I know not," said Brooks, "how the crime of him who shoots at law and liberty in the crowded glare of a great theater differs from theirs who have leveled their aim at the same great beings from behind a thousand ambuscades and on a hundred battle-fields of this long war. Every general in the field and every false citizen who has plotted and labored to destroy the lives of our soldiers is brother to him who did this deed." Brooks' Sermon on Lincoln, 1865.

¹ Rhodes, VI, p. 24.

leaders of Northern public opinion at the time. These men voted, or urged others to vote, to sustain this measure, and, along with Stevens, they asserted that it was justified by the deplorable and unbearable conditions in the South.¹

Radicalism was popular, not odious. The people were so anxious to have the ex-Confederates deprived of all political power and reduced to impotence, that they were ready to resort to more drastic means than their more timid representatives in Congress seemed willing to allow. The *New York Nation* described conditions in the South as thoroughly unsound. According to its representation, law was systematically perverted into oppression and so unblushingly overridden that it was sheer mockery to refer any loyal man to an average Southern court for justice; the Johnson governments were founded by military power and had their origin in usurpation; their "course had been atrocious and wicked" and the military bill of Congress deserved hearty sympathy. Reorganization of the South "should never be entrusted to men who have shown such malignity and bigotry as the majority of Southern officials."²

This is entirely in harmony with what Stevens was in the habit of saying and it may serve as one of a thousand worthy witnesses to show that Stevens' "vindictive and vengeful" language was not exceptional. The whole sad truth was that reconstruction had to be

¹ One has only to read the testimony coming from the military commanders in the South and the files of the *New York Nation*, *Harper's Weekly* and the *Atlantic Monthly*, not to mention the more distinctly partisan journals, to appreciate the truth of this statement.

² *Nation*, Feb. 21, 1867.

accomplished amid sectional hatred, bitterness, and antagonism. The spirit of cooperation and fraternal regard did not exist; the natural and inevitable outcome was the attempted subjection of one section to the other which a successful war would ordinarily imply. One of the terms imposed — universal suffrage for the negro in his unpreparedness — was, no doubt, unwise. But the responsibility for that lies not alone with one man nor with one section. It was Stevens' desire originally to carry suffrage gradually by the consent of the Southern States and to accompany it with education. The resistance and temper of the South brought, by national power, an act of enfranchisement which it will take more than a generation to make really effective.

The reconstruction measures are often criticized as if, at the time, the conditions of the country were normal. Congress is denounced for "brutally striking down state governments," as if Johnson's military creations were legal states. The problem is spoken of as if the Rebellion might have been treated as a common riot, or only as an insurrection against authority, and that, the disorderly citizens having yielded, everything could now go on as it was before. The true state of the case was, and the men of the time who had made great sacrifices to preserve the Union felt it most deeply, that the difference between North and South in war and reconstruction is to be looked upon as a great life and death struggle. It was a great public war between two contending powers, and it was nothing short of the ridiculous and the absurd to suppose that the victors after such a conflict should be

satisfied with things as they were before the conflict began. Great conflicting principles and forces in civilization were disputing for mastery. It was a struggle that went deeper than parties. It was the purpose of the nation, and Stevens' leadership but represented that firm unflinching resolution, to plant the government anew upon the principles of the Declaration of Independence.

The nation's conscience had the conviction that atonement had to be made for a century of injustice and that the honor and safety of the future demanded the establishment of a truer and broader democracy, a democracy as wide as the human race. This idealism of the Declaration of Independence then so fervently revived, was not to be realized immediately; but it was the nation's determination that no by-questions, no fallacies of generosity to the vanquished, should turn it aside from the one fixed purpose it had at heart,—that the war should not have been in vain; that the Slave States, when they returned to the Union, should return on suitable terms, terms by which political rights and powers should be distributed on principles that were righteous and true. Such were the motives and purposes of reconstruction by which its ablest sponsors, like Thaddeus Stevens, should be judged.

Stevens has been represented as utterly regardless of the restraints of the Constitution and as seeking to impose military rule and negro suffrage upon the South merely to humiliate and punish a proud and worthy people. The criticism expresses only a narrow and temporizing view of his conduct. Perhaps he

manifested to an exceptional degree the unseemly qualities of resentment and revenge, as he did many of the worthier qualities of human nature. But to Stevens equal suffrage to all was a measure of justice, not of punishment. It is more reasonable to suppose that he was primarily inspired by nobler motives, the motives suggested in the deep-seated desire to secure the political justice and regeneration to which we have referred.

To secure civil and political justice for all men alike, regardless of race, color, or previous condition of servitude,—this was the permanent cause involved in reconstruction. Stevens represented that cause. To that end he would have remodeled the Constitution of his country in whatever way he thought best calculated to uproot the last vestige of human slavery, and to establish in America a race-wide democracy of equal rights. True, he entertained no reverence for the Constitution as a complete and inspired instrument needing no change. He is to be admired greatly and commended for that. That idolatrous conception of our Constitution which has been so sedulously cultivated in this country is an incredible stupidity, tending to discourage all independence of political thought. To him the Constitution was a means, not an end. He would adapt it to the nation's needs and use it as an instrument, not to hamper, but to promote the progress and freedom of the race. He sought to make it an instrument of government under which no oppression could find a resting place. He was therefore, and most rightly, not satisfied with the Constitution of 1787. He sought a nearer approach to the true

principles of liberty than our fathers had reached. He was, indeed, guilty of the great audacity of believing that we could do much better for human liberty than our fathers had done. Who is there to reproach him for such faith? He wished to establish a nation over a continent under laws of supreme unvarying character, not intending that one part of the nation should be governed by one set of laws, another by another. The principles applying to the dwellers on the Penobscot should apply to those on the Susquehanna and the Savannah, with inalienable rights and perfect liberty for all.

It was this motive and these principles, not vindictive hate, that led Stevens to favor civil liberty and manhood suffrage for all, black as well as white. No man, as he believed, could sell his liberty or his privileges for a price. No contract nor instrument of government, no matter how solemn, no matter how hedged about by broad seals or stamped by legislative and executive approval,—none of these things could alienate a man's liberties and rights. With a peculiar devotion he held that there were certain rights, privileges, and immunities that belonged to every being who had an immortal soul, none of which could be rightfully taken from him by any sort of arrangement with society or government.

However inadequate the means he employed may have proved to bring about these political ideals; however the temporary enactments he promoted in reconstruction may have failed to bring about results that only time could work out, those who believe in democracy and the faith proclaimed by the founders of the

republic will continue to maintain that the underlying principles on which Stevens and his radical coadjutors sought to reconstruct the dissevered Union are not destined to ultimate failure nor decay.

CHAPTER XIX

IMPEACHMENT

A POLITICAL condition existed in the country in which Congress and the President were at war. It was an impossible situation, and no constitution of government should ever permit it to exist. The Executive and the Legislative had denounced one another beyond the limit of decency. The country had given to Congress such a majority as enabled that body to reduce the President to impotency, yet they were without an Executive of their own with a heart to carry out the nation's will. The President had obstinately determined that, wherever he could, he would defeat and circumvent, nag and annoy, the responsible legislative leaders, and he would go to the bounds of the law in opposition to the public will as expressed in Congress. It passeth knowledge to determine what reason can be urged in constitution-making or in statecraft for a constitutional system of government that makes possible for any length of time such a relationship between the executive and the legislative branches of government. It is well known that if the framers of our Constitution had understood the modern responsible Cabinet, or if they could have foreseen the party character and the great political power of the American presidency they would not have made the mistake of setting such a disjointed and jarring rela-

tionship between the legislative and executive branches of government.

The movement for the removal of Andrew Johnson found its cause in the politics of the time. His impeachment was essentially a political issue, as Stevens very frankly declared, with his usual habit of bold avowal and unconcealment. Johnson's case was decided, however, not as a political question but as a purely legal question, by a few lawyers in the United States Senate who deemed themselves to be sitting as judges in a purely criminal case. What a President may do to harm his country, short of proving himself a criminal, is beyond measure. If Johnson had stolen a chicken, as one of the political managers at his trial suggested, he could have been impeached and removed. But to throw himself athwart the national will and to circumvent important political ends upon which the nation has determined, while yet keeping within the limits of the criminal law,—in such a case there is operative now no method of impeachment, or recall, within the sovereign power of the people.

It may reasonably be regretted, especially by those who wish to democratize the American government, as Stevens did, that such a narrow view of the impeaching powers prevailed in the historic trial of Andrew Johnson. It is well known that President Jefferson, in his day, desired to restrain the federalist judges by an easier process of impeachment and to accomplish their removal by the united vote of the two houses, somewhat after the present English method. If, as the Jeffersonian Republicans desired and attempted, impeachment could have been used in the

first place under Jefferson by a legislative process and for a public purpose, to impeach a biased, cantankerous, and partisan judge like Justice Chase, who was utterly unfit to sit upon the bench; and if, in the second important instance in our history, the impeachment power could have been successfully employed as a political weapon to remove a President who, if not utterly unfit for his place, was not only an accident in his office but an incumbrance and obstruction to the exercise of popular power,—then the precedents might have so vitalized the impeaching powers that it would now be possible to use them, in a measure, as a means of promoting responsible parliamentary government in America. But legalism and the undemocratic restrictions of a written constitution have determined otherwise. And now into whatever indignation and anger a President may bring the people, however inane, or supine, or incompetent and perverse he may be, there is nought for the nation to do, fret and fume as it may, but to await the expiration of his four years' term. If *that* had been the precedent and the law for the century gone by, Stevens would have set another precedent for the centuries to come.

It is the custom to lift up voice and hands in disapproval of allowing such scope to unrestrained popular power. The masses would be so controlled, it is said, by partisan passion and popular excesses as to make such power in the hands of the representatives of the people altogether too dangerous. But those who believe in democratic government for America are quite inclined to believe that it would be far safer to allow the people to remove, or recall, their Presi-

dent by a two-thirds adverse vote (if not by a majority) in both houses of Congress, than to try to get on under a cumbersome and rigid Constitution that was instituted, in the first place, and has since been constantly applied, to restrain the people from working out their will in governmental law and administration. Impeachment may be revived for a time under popular pressure, or it may be threatened occasionally against judicial offenders for political reasons, but it is safe to say that it will never again be revived to harm or restrain a President in the performance, or misperformance of his public duties.

It was with some such ideas of responsible democratic government as these that Stevens, leading his party colleagues, undertook the impeachment of Andrew Johnson. Stevens realized that some of the senatorial judges would have to be convinced by purely judicial considerations, and he sought, in part, to present his cause with that in view. But he also deemed it proper, from the governmental considerations that I have partly adduced, to appeal to partisanship to secure votes from his party colleagues, for the sake of what he deemed worthy political and public ends. It is but fair to judge his course in impeachment with these considerations in mind.

A proposition to impeach the President for high crimes and misdemeanors had been pending in the House for more than a year before that body came to the point of deciding in favor of this drastic policy. In June, 1867, the Judiciary Committee of the House was instructed to inquire into the conduct of Johnson, to see if he were guilty of offenses that were impeach-

able under the Constitution. In the closing days of the Thirty-ninth Congress, the committee reported that there was enough evidence to justify the continuance of the investigation by the incoming Fortieth Congress. In June, 1867, the majority of the committee reported that there was not sufficient ground for impeachment, but it was decided to have the committee continue the search for evidence.

During the recess of Congress from July to November, 1867, Johnson removed General Sheridan from the military department of Louisiana and suspended Secretary Stanton, head of the war department, and these events, it appears, were influential in bringing a majority of the committee to support the policy of impeachment. George S. Boutwell, of Massachusetts, made a report in the House to this effect on November 25, 1867; but two of the Republican members of the committee were still opposed to the policy of impeachment and the proposal was rejected by the House by a vote of one hundred and eight to fifty-seven, sixty-seven Republicans and all the Democrats voting against the policy.

In December, the Senate refused to sustain the reasons which the President submitted to that body for the removal of Stanton. Thereupon, General Grant, who had been acting as Secretary of War *ad interim*, left the office and Stanton again took up its duties. This action of General Grant in allowing Stanton to again take possession of the war office angered Johnson and he accused Grant of a breach of promise. He asserted that Grant had promised to hold the office and force Stanton to resort to judicial proceedings in

his efforts to regain possession. This process would have tested in the courts the constitutionality of the Tenure of Office Act and it might have resulted in its judicial nullification. A quarrel therefore resulted between the President and the Commander of the army that had considerable results in the politics of the times. If the President had had a little tact and more affability, he might have secured the powerful influence of Grant in the fight against Stanton and Congress.

Stanton now remained in the Cabinet, not as a Secretary of the President, but as a Secretary of Congress; but while attending to the routine duties of the office he did not attend the Cabinet meetings.

Johnson was advised to allow Stanton to retain his office, to perform its clerical and legal duties, while the President and his advisers could afford to abide their time. While Stanton's continuance in the office was an offense to the Executive, he could not be seriously obstructive nor injurious, and the country would understand that responsibility for his presence there rested with the Senate and not with the President, and it was believed that the congressional party would not find Stanton a popular issue.

Disregarding this advice, Johnson, on February 21, 1868, issued a peremptory order removing Stanton from the office as Secretary of War, and he appointed Lorenzo B. Thomas Secretary *ad interim*. Johnson held that he had the right to get rid of Stanton. To accomplish this he intended to resort to judicial proceedings if necessary, while if the Senate refused to concur in his removal, the Secretary might have re-

sort to the courts to test his right. In either case the President would have his right to a harmonious Cabinet tested by the laws. Stanton refused to surrender the office to Thomas, denounced as illegal all orders issuing from Thomas as Secretary of War, and instructed generals of the army to pay no respect to such orders. Upon receiving reports of these facts, Johnson again instructed Thomas to take charge of the office and perform its duties.

The Senate was notified of these proceedings by both the President and Stanton. The Senate went into an executive session which lasted for seven hours, in the course of which it was resolved, "that under the Constitution and the laws the President had no power to remove the Secretary of War, and to designate any other officer to perform the duties of that office *ad interim*." Secretary Stanton, having heard that Thomas had threatened to take possession of the war office by force, had a warrant issued for Thomas's arrest, and before Thomas had breakfasted next morning he was arrested and brought into court. Thomas, having been released on bail, presented himself at Stanton's office and in the presence of a number of gentlemen, who, with Stanton, had been holding possession of the office during the night, he demanded that Stanton surrender possession. A serio-comic colloquy followed between the two claimants of the office, Stanton ordering Thomas out, Thomas refusing to go, and each claiming the right to perform the functions of the office.

On February 21, 1868, the House, having received the news from Stanton of the attempt to remove him,

was now in a state of mind for the impeachment proposal. On February 10, 1868, on motion of Mr. Stevens, the evidence taken by the Judiciary Committee had been transferred to the Reconstruction Committee, and the latter committee thereafter had charge of the impeachment question. On February 13th, this committee had laid on the table by a vote of six to three a resolution to impeach. But now there was a different temper, and Covode's resolution, offered on the 21st, "that Andrew Johnson be impeached of high crimes and misdemeanors" was referred to the Committee on Reconstruction with full expectation that it would be reported favorably on the morrow. At twenty minutes past two of the next day (Feb. 22nd), after a committee session in violation of the House rule which forbade committee meetings during the session without special leave,¹ the Reconstruction Committee, with Stevens at its head, came into the House, with a report recommending the adoption of the impeachment resolution. Stevens wished to take a vote without debate, saying as he offered the report that such a removal as Johnson had been guilty of, had always been considered a crime and misdemeanor and was never before practised. But the debate, or series of speeches, continued through the day and late into the night of the 22nd, and the discussion was resumed on Monday, the 24th, to the extent altogether of two hundred columns of the *Globe*. "There seemed," says Mr. Blaine, "to be an inordinate desire among gentlemen who had hitherto been conservative on the question, as well as among those who

¹ Speech of Brooks, House, Feb. 22, 1868, *Globe*, p. 1336.

had been constantly in favor of impeachment, to place themselves on record against the President.”¹

Brooks, a “Peace Democrat,” or “Copperhead,” during the war, protested against this final stage of the revolution for the destruction of the executive branch of the federal government. Bingham, of Ohio, expressed his sincere conviction that the President had “violated the Constitution, his oath of office, and the laws of the country.” Farnsworth, of Illinois, denounced Johnson as an “ungrateful, despicable, besotted traitor,—a man who had turned his back upon the men who had elected him.”² Kelley, of Pennsylvania, declared that the House was about to bring to trial “the great criminal of our age and country, a man who for two years has been plotting with deliberate and bloody purpose the overthrow of the institutions of our country”; and he thought it well for men to pause before speaking in defense of the “great criminal whom the American people arraign for thousands of crimes.”³

John A Logan, of Illinois, who was afterward one of the impeachment managers, said: “Not one act has been passed by your Congress in the direction of peace, union, and prosperity, that he has not vetoed; and when passed over his veto by a constitutional majority, that he has not attempted to prevent the execution of the same. He has advised and encouraged rebels and traitors in the South to disobey the laws; he has removed military commanders that the recon-

¹ *Twenty Years of Congress*, II, p. 356.

² *Globe*, 40th Congress, 2d Session, p. 1344.

³ *Globe*, pp. 1347 and 1348.

struction laws might be disregarded and opposed. . . . He has not only insulted the nation by his conduct as President, but he has disgraced that high office in which he was placed by the death of his illustrious predecessor."¹

It would be tiresome to quote further from this partisan and impassioned debate. Members spoke of the occasion as one of thrilling and transcendent importance, and the men of the minority professed to believe that the future peace, honor and stability of the country, and everything held dear in our political life, hung upon the outcome.²

Stevens took twenty-five minutes to close the discussion. He recognized the gravity of the issue involved and professed a desire to discuss it "in no partisan spirit, but with legal accuracy and impartial justice. The people desire no victim and they will endure no usurper."

¹ *Globe*, pp. 1352-1353.

² Niblack, *Globe*, p. 1398.

That the Johnson party was as partisan as those leading the impeachment may be seen from a passage in the Diary of Gideon Wells, a stanch protagonist of the President, which has recently appeared: "The impeachment is a deed of extreme partisanship, a deliberate conspiracy, involving all the moral guilt of treason for which the members would, if fairly tried, be liable to conviction and condemnation. . . . The President is innocent of crime, his accusers and triers are culpably guilty. In this violent and vicious exercise of partyism, I see the liberties and happiness of the country and the stability of the government imperiled." Wells quotes, without suggestion of impropriety, Mr. John Bigelow, as predicting that impeachment would fail from political motives, because the conservative Senators, "with the Chief Justice, look with repugnance and horror to the accession of Wade, and would prefer to continue the President. Unless, therefore, Wade will resign and allow some good conservative Senator to be made President of the Senate, he [Bigelow] thinks impeachment will be defeated." *Atlantic Mo.*, Oct., 1910.

To sustain impeachment Stevens held that it was not necessary to prove a crime as an indictable offense, or any act *malum in se*. He held this to be a purely political proceeding, a remedy for malfeasance in office and to prevent its continuance. Beyond that it is not intended as a personal punishment for past offenses or future example. He held that the punishment resulting from impeachment has been substituted by the framers of the Constitution for that of attainder, in order to prevent revenge and punishment from being inflicted upon political and personal enemies. The question should be treated as wholly political. If an officer abuse his trust or attempt to pervert it to improper purposes, whatever might be his motives, he becomes subject to impeachment and removal. He asserted that in no case of impeachment yet tried in this country has an attempt been made to prove the offense criminal and indictable.

Stevens then proceeded to a review of the Tenure of Office Act and Johnson's alleged violations of the same. The President had taken an oath to execute the laws, and from that oath Johnson could not now plead exemption "on account of his condition at the time it was administered to him." He had sought to induce the General of the army to cooperate with him in the avowed purpose of preventing the operation of the law. No matter which of the two, Grant or Johnson, in the question of veracity between them should be shown to be the man of truth and which the man of falsehood, the President by the statement of either, has "committed wilful perjury by refusing to take care that the laws should be faithfully exe-

cuted. Indeed to show the utter disregard of the laws of his country, we have only to return to his last annual message in which he proclaims to the public that the laws of Congress are unconstitutional and not binding on the people. Who, after that, can say that such a man is fit to occupy the executive chair, whose duty it is to inculcate obedience to those very laws and see that they are faithfully obeyed? Then the great beauty of this remedial and preventive process is clearly demonstrated. He is dull and blind who can not see its necessity and the beneficial purposes of the trial by impeachment.”¹

Stevens, as might be expected, found cause against the President in his whole course of conduct in reconstruction, because of his persistent usurpation of powers that belonged alone to Congress. When the territory of the South had been surrendered by the fortunes of war to the victorious arms of the Union, “no power but Congress had any right to say whether ever or when they should be admitted to the Union as states. Yet Andrew Johnson with unblushing hardihood, undertook to rule them by his own power alone; to lead them into full communion with the Union; direct them what governments to erect and what constitutions to adopt, and to send Senators and Representatives to Congress according to his instructions. When admonished by expressed act of Congress, more than once repeated, he disregarded the warning, and continued his lawless usurpation. He is since known to have obstructed the reestablishment of those governments by the authority of Con-

¹ *Globe*, p. 1400.

gress and has advised the inhabitants to resist the legislation of Congress. In my judgment his conduct with regard to that transaction was a high-handed usurpation of power which ought long ago to have brought him to impeachment and trial and to have removed him from his position of great mischief. He has been lucky in thus far escaping through false logic and false law. But his acts, which will on the trial be shown to be atrocious, are open evidence of his wicked determination to subvert the laws of his country."

"The sovereign power of the nation rests in Congress, who have been placed around the Executive as muniments to defend his rights, and as watchmen to enforce his obedience to the law and the Constitution. His oath to obey the Constitution and our duty to compel him to do it are a tremendous obligation, heavier than was ever assumed by mortal rulers. We are to protect or to destroy the liberty and happiness of a mighty people, and to take care that they progress in civilization and defend themselves against every kind of tyranny. As we deal with the first great political malefaction so will be the result of our efforts to perpetuate the happiness and good government of the human race. The God of our fathers who inspired them with the thought of universal freedom, will hold us responsible for the noble institutions which they projected and expected us to carry out. This is not to be the temporary triumph of a political party, but is to endure in its consequence until this whole continent shall be filled with a free and untrammelled people or shall be a nest of shrinking cowardly slaves." ¹

When Stevens closed, he called for the yeas and nays on the resolution. The Republicans voted yea,

¹ *Globe*, Feb. 24, 1868, p. 1400.

and the Democrats nay, and impeachment was carried by a vote of one hundred and twenty-six to forty-seven.

A committee of seven was appointed to draw up articles of impeachment.¹

Stevens and Bingham were appointed a committee of two to inform the Senate of the action of the House. On the following day, February 25th, these noted leaders appeared at the bar of the Senate. Sumner, who was a witness of the scene,² describes Stevens as "looking the ideal Roman, with singular impressiveness, as if he were discharging a sad duty."³ Standing before the Senate in solemn mien, Stevens arraigned the President in words that thrilled and impressed the listener. "I doubt," said Sumner, "if words were ever delivered with more effect.—Who can forget his steady solemn utterance of this great arraignment?"⁴

"In the name of the House of Representatives and of all the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office; and we further inform the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him and make good the same; and in their name we demand that the

¹ This committee consisted of Thaddeus Stevens, Benjamin F. Butler, John A. Logan, John A. Bingham, George S. Boutwell, George W. Julian and Hamilton Ward. Later, James F. Wilson, of Iowa, and Thomas Williams, of Pennsylvania, were substituted for Julian and Ward.

² Rhodes, VI, p. 111.

³ Storey's *Sumner*.

⁴ McCall, p. 336, *Globe*, Dec. 18, 1868.



FROM THE COLLECTION OF ROBERT COSTER

HOUSE MANAGERS FOR JOHNSON'S IMPEACHMENT

Left to Right, Standing: JAMES F. WILSON (*Iowa*), GEORGE S. BORTWELL (*Mass.*), JOHN A. LOGAN (*Ills.*). *Sitting:* BENJ. F. BUTLER (*Mass.*), THADDEUS STEVENS (*Pa.*), THOMAS WILLIAMS (*Pa.*), JOHN A. BINGHAM (*Ohio*).

Senate take order for the appearance of the same Andrew Johnson to answer said impeachment."

The President of the Senate replied, "The Senate will take order in the premises."

Stevens and Bingham then withdrew.

Stevens was appointed one of the managers to present the case to the Senate. His physical condition prevented his taking the leading part in the "most important trial of the century," for the sickness from which he never again fully rallied had now laid hold upon him. But his masterful will never allowed him to yield the pursuit of his object. When too weak to walk he was carried into the Senate chamber, and when too weak to talk "his fellow managers would read his words."¹

On March 4th, the House managers appeared before the bar of the Senate. The Speaker of the House took a seat beside that of the President *pro tempore* of the Senate. The sergeant-of-arms of the Senate made proclamation, "Hear ye! Hear ye! Hear ye! All persons commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Andrew Johnson, President of the United States."

The managers rose, and remained standing, with the exception of Mr. Stevens, who was physically unable to do so, while Mr. Manager Bingham read the articles of impeachment.²

The President, in the eleven historic articles, was charged in much verbal reiteration with violating the

¹ McCall, p. 337.

² *Globe*, p. 1647.

Tenure of Office Act, in deposing Stanton and appointing Thomas; with violating the Anti-Conspiracy Act of July 31, 1861, in conspiring with Thomas to expel Stanton and to seize the papers and property of the office; with violating the Reconstruction Act, of March 2, 1867, in directing that military orders should issue through others than the General of the army, as in his attempting to induce General Emory to take orders direct from the President in violation of said act; and with committing "high crimes and misdemeanors" in his attitude toward and denunciations of Congress; in his public efforts to bring that body "into disgrace, ridicule, hatred and contempt, and to impair and destroy the regard and respect of all the good people of the United States for the Congress thereof."

The famous eleventh article, the one on which the crucial vote was taken and on which rested the chief hope of conviction, was drawn by Stevens. It charged that Johnson, "unmindful of his oath of office and in disregard of the Constitution, and the laws, did on the 16th day of August, 1866, in the City of Washington, by a public speech, declare and affirm that the Thirty-ninth Congress was not a Congress of the United States, authorized by the Constitution to exercise legislative power, but on the contrary, was a Congress of only part of the states, thereby denying and intending to deny that the legislation of said Congress was valid or obligatory upon him, except in so far as he saw fit to approve the same, and also thereby denying and intending to deny the power of Congress to propose amendments to the Constitution of the United

States." The article also charged that Johnson had attempted to prevent the execution of the Tenure of Office Act.

This article has been referred to as the "Omnibus Article,"—a combination of all the charges into one article, "a trick to catch wavering Senators," "a nondescript and a curiosity in pleading."¹ Professor Dunning characterizes it as a striking testimony to "the undiminished shrewdness and intellectual strength of the veteran whose physical forces were close to their ends."²

We can not here follow the trial in detail. Although there were able lawyers among the prosecuting managers, they were equaled, if not over matched, by the array of legal counselors that came to the President's defense. Among these were ex-Attorney General Stanbery; Benjamin R. Curtis, former Justice of the Supreme Court who had given the able dissenting opinion in the Dred Scott case; William M. Evarts, of New York, W. S. Grosbeck, of Ohio, and Thomas A. R. Nelson, of Tennessee, five of the ablest lawyers of their day.

Butler opened for the prosecution by a speech of three hours in which he sought to arouse the political antipathy of the Senators by reminding them of the President's "swing around the circle" of his buffoonery in public, and of his repeated and coarse abuse of the congressional leaders. But Evarts broke the force of Butler's plea by quoting from the debates in the House to show that worse abuse than the Presi-

¹ Dewitt, p. 388, Rhodes, VI, p. 116, Senator Buckalew.

² *Reconstruction*, p. 106.

dent could be charged with had been indulged in by two of the Honorable Managers toward each other.

Curtis made the chief speech for the defense, speaking during two days. He sought to divorce the case from its political bearings and reduce it entirely to a judicial character. In addressing the Chief Justice in his opening remarks, Curtis said he was there to speak to the Senate "sitting in its judicial capacity," and he affirmed that in such a case, "party spirit, political schemes, foregone conclusions, outrageous biases, can have no fit operation." As a purely legal question it was not difficult for him to show that the question hung chiefly on whether Stanton's case came under the Tenure of Office Act. He held that it did not, that the Tenure of Office Act did not apply to Stanton. But even if it did, Johnson had not violated it in seeking as he had done to have the case brought before the courts for a decision as to its constitutionality. He had not erected himself into a judicial court to decide that the act was unconstitutional and that, therefore, he would not enforce it. He claimed no such power. That would be to empower the President, not only to veto a law, but to refuse all action under it after it had passed, and prevent a judicial decision from being made. But if a law were passed over the President's veto which he believed to be constitutional and that law affects the interests of third persons, those whose interests are affected must take care of them, raise questions concerning them. If such a law affects the public interests, the people must take care at the polls that it

is remedied in a constitutional way. But when such a law cuts off a power confided to the President by the people in their Constitution and the President alone can raise the question and cause a legal decision to be made as to which of the two branches of the government is right, it remains to be decided by you, Senators, whether there is any violation of his duty when he takes the needful steps to raise that question and have it peacefully decided.”¹

It is the judgment of Mr. Rhodes that Stevens made the ablest argument for the prosecution. He confined himself to his own article, the eleventh, and he never lost sight of his dear single purpose to secure the doubtful Senators.²

Stevens had carefully prepared his argument and he began to read it while standing at the Secretary's desk; “but after proceeding a few minutes, being too feeble to stand, obtained permission to take a seat, and having read nearly a half an hour from his chair until his voice became almost too weak to be heard, handed over his manuscript to Mr. Manager Butler, who concluded the reading.”³

One may well wonder as Mr. Rhodes says, “whether if Stevens had possessed his physical strength of two years previous, the result would have been different. Certainly the trial would have been conducted otherwise. He would have been chairman of the managers and dictated the line of procedure; but on account of his infirm health, the management

¹ Curtis's speech, cited in Rhodes' VI, pp. 123, 124.

² Rhodes, VI, p. 135.

³ *Globe*, Supplement, p. 324.

of the trial fell to Butler, next to him the most adroit of the prosecutors." ¹

Stevens began by saying that experience had taught him that nothing was so prolix as ignorance,—therefore he would be brief, that he would discuss only his own article, the eleventh, which, if proved, was sufficient to convict, and to bring about the only legitimate object of the impeachment, the removal of Johnson from office. He wished to speak in no spirit of malignity or vituperation, but to argue the charges in a manner worthy of the high tribunal before which he stood and of the exalted position of the accused. "Whatever may be thought of his [Johnson's] character or condition, he has been made respectable and his condition has been dignified by the action of his fellow citizens. Railing accusation, therefore, would ill become this occasion, this tribunal, or a proper sense of the position of those who discuss this question, on the one side or the other."

When the charges against such a public servant accuse him of an attempt to betray the high trust confided in him and usurp the power of a whole people that he may become their ruler, it is "intensely interesting to millions of men, and should be discussed with a calm determination which nothing can divert and nothing can reduce to mockery. Such is the condition of this great republic, as looked upon by an astonished and wondering world."

Stevens denied that American impeachment was analogous to that under English law. In England high crimes might be punished through impeachment

¹ VI, p. 135.

by fine, imprisonment, or death. Our Constitution excluded all penalties beyond removal and disqualification,—the public safety, not the punishment of the officer, being the object in view. Hence impeachment applies to political offenses, and it is not necessary to allege or prove an indictable offense. If the defendant is shown to be abusing his official trust to the injury of the people, and if he persevere in this abuse, the true mode of dealing with him is to remove him by impeachment, if his continuance in office is deemed dangerous to the public welfare. No matter about the motive. “Mere mistake in intention, if so persevered in after proper warning as to bring mischief upon the community, is sufficient.

“The only question to be considered is: Is the respondent violating the law?—To obey the commands of the sovereign power of the nation, and to see that others should obey them, was his whole duty which he could not escape, and any attempt to do so would be in direct violation of his official oath; in other words, a *misprision of perjury*. I accuse him in the name of the House of Representatives of having perpetrated that foul offense against the laws and interests of this country.”

Stevens then entered upon an extensive argument to prove that the Tenure of Office Act applied to Stanton and that Johnson was serving out Lincoln's term of office. He traced the plain facts in the case as they had occurred and showed that Johnson had violated the act by his efforts to prevent Stanton from performing the duties of the Secretary of War. “I disclaim all necessity,” he said, “in a trial of im-

peachment to prove the wicked or unlawful intention of the respondent, and it is unwise ever to aver it. In indictments you charge that the defendant 'instigated by the devil,' and so on; and you might as well call on the prosecution to prove the presence, shape, and color of his Majesty as to call upon the managers in impeachment to prove intention. No corrupt or wicked motive need instigate the acts for which impeachment is brought. It is enough that they were official violations of law."

The President had not the same right of removal that former Presidents had, since a law had been passed by Congress, after a stubborn controversy with the Executive, denying that right and prohibiting it in future, after the President had made issue on its constitutionality, and been defeated. Did he "take care that this law should be faithfully" executed? The plea of the President that he had removed Stanton in order to test the constitutionality of the Tenure of Office Law was not valid. That had been tested and decided by votes, twice given, of two-thirds of the Senators and Representatives in Congress. It was a law. No case had arisen to require judicial interposition. "Instead of enforcing the law he takes advantage of the name and funds of the United States to resist it, and to seduce others to resist it. He sought to induce the General in Chief of the army to aid him in an open avowed obstruction of the law as it stood unrepealed upon the statute books. A plain recital of the facts that are undenied is sufficient to prove this contention. The unhappy man is in this condition. He has declared

himself determined to obstruct that act; he has, by two several letters of authority, ordered Lorenzo Thomas to violate that law.—He must therefore either deny his own solemn declarations and falsify the testimony of General Grant and Lorenzo Thomas, or expect that verdict whose least punishment is removal from office.”

Referring to the angry correspondence between Grant and Johnson, he said that it was immaterial which of these gentlemen had lost his memory or told the truth “though who can hesitate to choose between the words of a gallant soldier and the pettifogging of a political trickster? The charge is that the President did attempt to prevent the due execution of the Tenure of Office Law by entangling the General in the arrangement; and unless both the President and the General have lost their memory and mistaken the truth with regard to the promises with each other, then this charge is made out.”

The President’s plea that he might disregard the law because of its unconstitutionality could not hold. Could he expect “a sufficient number of his tryers to pronounce that law unconstitutional and void,—those same tryers having passed upon its validity on several occasions”?

Discussing the charge of usurpation brought against the President, Stevens brought forward his conquered province theory, that the conquerors in the war might deal with the vanquished as to them might seem good, subject only to the laws of humanity,—“a doctrine as old as a Grotius and as fresh as the Dorr Rebellion. Neither the President nor the

Judiciary had any right to interfere, to dictate any terms, or to aid in reconstruction further than they were directed by the sovereign power, the Congress of the United States. Whoever, besides Congress, undertakes to creat new states or to rebuild old ones, and fix the condition of their citizenship and union, usurps powers which do not belong to him, and is dangerous according to the extent of his power and his pretensions. Andrew Johnson did usurp the legislative power of the nation by building new states and reconstructing this empire. He directed the defunct states to come forth and live by virtue of his breathing into them the breath of life. He told them what constitutions to form; fixed the qualifications of voters and office-holders; directed them to send forward members of Congress and to aid him in representing the nation. When Congress declared these doings unconstitutional and fixed a mode for the admission of this new territory into the nation, he proclaimed it unconstitutional and advised the people not to submit to it nor obey the commands of Congress. This seemed to Stevens the vital phase and real purpose of all of the President's misdemeanors. The nation had been in conflict; the mutineers had laid down their arms; the laws were about to regain their accustomed sway; old institutions were about to be reinstated on principles satisfactory to the conquerors, when "one of their inferior servants, instigated by unholy ambition, sought to seize a portion of the territory according to the fashion of neighboring anarchies, and to convert a land of freedom into a land of slaves. The people spurned

the traitors and have put the chief of them upon trial and demand judgment upon his misconduct. He will be condemned and his sentence inflicted without turmoil, tumult, or bloodshed, and the nation will continue its accustomed course of freedom and prosperity."

The President was bound to execute the laws, not to obstruct them, nor advise their infraction. "Who was grieved by the Tenure of Office Bill that he was authorized to use the name and the funds of the government to relieve?"

"If he were not willing to execute the laws passed by the American Congress and unrepealed, let him resign the office which was thrown upon him by a horrible convulsion and retire to his village obscurity. Let him not be so swollen by pride and arrogance, which sprang from the deep misfortune of this country, as to attempt an entire revolution of its internal machinery, and the disgrace of the trusted servants of his lamented predecessor."¹

It appears from Stevens' speech that he expected a verdict for conviction. This is not surprising as more than two-thirds of the Senators had gone on record condemning Johnson for his removal of Stanton. Few expected that so many Republicans would break away from their party to vote for acquittal.² On the

¹ Trial, April 27, 1868, Supplement to the *Cong. Globe*.

² Greeley wrote to Stevens under date of April 20, 1868: "Keep us posted in the *Tribune* office. I do not fear the verdict, but I greatly desire to make the majority on the first vote as strong as possible." No doubt the Republican Senators who voted for acquittal disappointed the public expectation and desire and went counter to an overwhelming party opinion. One of Stevens' correspondents expressed the prevailing party opinion when he said that these Johnson Senators had "made a

test vote, on the eleventh article, seven Republican Senators supported the President, thirty-five Senators voting for conviction, nineteen for acquittal. The President had escaped by a margin of one vote. On two subsequent votes the prosecution could muster no greater strength, and on May 26, 1868, the Senate as a Court of Impeachment adjourned to meet no more.

No doubt the result of the impeachment trial was a bitter disappointment to Stevens. It was his sincere conviction that the welfare of his country demanded the removal of the President and that Johnson richly deserved the degradation. He felt that a great opportunity had been lost to lay down the true law and principles of impeachment, and that improper motives and influences had operated to save Johnson from the fate that an injured people wished to have imposed upon him.

A few weeks after the close of the trial, July 7, 1868, Stevens proposed in the House some supplementary articles of impeachment, not with a view to bringing them to a vote but for the purpose of giving himself an opportunity to review the trial and to set forth what he considered the true principles of impeachment.

On the one hand, he would not allow political offenders to escape for abusing their high trust, and, on the other hand, would not allow heated and malignant demagogues to persecute political opponents and rivals in a spirit of hatred and vengeance.

record for themselves that they and their posterity will forever blush to see."

Instead of assenting to the idea that impeachment can only be instituted where there is an indictable offense, he contended that impeachment could be had mainly for political offenses, to punish malfeasance in office and to save the country from injury. Wickedness of heart or malice aforethought it is not necessary to prove. The President may believe that "a certain course of conduct tends to the good of his administration and the country. He is warned by his advisers and by the legislative branch that he is mistaken and must desist. He reconsiders it and persists under the conscientious belief that he is right and his advisers wrong.

"Here is no indictable offense. Yet if there be large interests at stake intrusted to his care he may be crushing the life of the nation while he believes himself but doing his duty. How can any man pretend that such acts as these, which are destroying the welfare of a whole people, and are persevered in after repeated warnings, do not constitute impeachable offenses, although not indictable ones?"

He appealed to authority, to Story, Rawle, Madison, Hamilton, May, and Curtis. Madison "the father of the Constitution," had said that arbitrary removals for party purpose would be an impeachable offense. Johnson had certainly been guilty of this offense. By this process the President had attempted to corrupt and bribe citizens of the United States and members of Congress who were at the capital ready to discharge their duty.

He reviewed the political misconduct of Johnson. He charged him with trying to bribe the Senators of

the proposed new state of Colorado, agreeing to sign the bill for admission if they would support his policy in the Senate; with pardoning deserters from the United States army if they would cast their votes for partisans of the President,—the pardon being urged upon that ground alone; with other abuses of the pardoning power; with embezzling, or allowing others to embezzle the public property; with allowing the confiscation laws to be inoperative, thereby restoring, to the special disgust of Stevens, “confiscated and abandoned estates to their rich rebel owner,”—estates which in the aggregate would be sufficient to pay the national debt.

Had the President not been guilty of official perjury this bonded debt, which is now a lien on every man’s property, would have been paid out of the confiscated funds of rebels. Instead, he preferred to pardon them and restore their property.

He intimated that the temptations of gold had been too much for those in the seats of power, and reflection had brought him to the conclusion that in neither Europe nor America will the chief executive of a nation be again removed by peaceful means. Money and patronage are found stronger than the law and impenetrable to the spear of justice. “If tyranny becomes intolerable, the only resource will be found in the dagger of Brutus. God grant that it may never be used!”

He recognized that this would seem like “the argument of spleen emitted by disappointment at recent events.” He admitted that some of these events

had led him to reflect deeply upon the possibilities of the human heart, being led to conclude that the loftiest intellect, the most cultivated mind, and the most aspiring ambition is just as liable to be purchased with gold as those in most limited circumstances. Indeed the less cultivated mind, "who sails lower in his sphere of hopes and desires, may be harder to mislead from the path of virtue," while the cultivated intellect may be the nest of "malignity, corruption, and depravity."

He desired that the people should be able to punish their delinquent rulers and that the government should never be allowed to depart from the principles of the Declaration of Independence, especially from the inalienable rights of life, liberty and its necessary concomitant, universal suffrage. "Providence," he said, "has placed us in a political Eden. While nature has given us every advantage of soil, climate, and geographical position, man still is vile. But such large steps have lately been taken in the true direction that the patriot has a right to take courage."

Stevens closed this speech in certain knowledge of the fact that he was standing upon the verge of the grave. He knew well that he had but few more days to live. His words came, therefore, as his last formal message to his countrymen whom he had served so long, and to the House which his masterful spirit had led for so many years. His vision and last wish for his country was that it should rise from its great civil strife, from the wrong, oppression, and injustice that power and wealth had imposed, to be a great and

prosperous nation ruled by the spirit of fundamental democracy,—the democracy that had been the ruling passion in his own long public life.

“My sands are nearly run,” he said in his parting words, “and I can only see with the eye of faith. I am fast descending the down hill of life, at the foot of which stands an open grave. But you, sir, are promised length of days and a brilliant career. If you and your compeers can fling away ambition and realize that every human being, however lowly born or degraded by fortune, is your equal; that every inalienable right that belongs to you belongs also to him, truth and righteousness will spread over the land, and you will look down from the top of the Rocky Mountains upon an empire of one hundred millions of happy people.”¹

¹ July 7, 1868, *Globe*, p. 3790.

CHAPTER XX

CONFISCATION

THERE was one aspect of Stevens' policy in reconstruction that did not at the time meet with the sanction of the nation, and it has certainly been condemned by posterity. I refer to the policy which he repeatedly urged of the confiscation of the estates of ex-Confederates as a war indemnity. A few words are necessary to present this aspect of Stevens' career.

Stevens made three notable speeches to urge upon the country the policy of confiscation, one in the House in the spring of 1865, one at Lancaster, September 8, 1865, before the break with Johnson but after the latter's policy on reconstruction had been pretty well developed, and again in the House, March 19, 1867, in an attempt to impose a form of confiscation as an addition to the terms Congress had just laid down in the Military Bill.

He believed that the property of the Confederate leaders should be seized and applied to the payment of the war debt and to the pensioning of Union soldiers. He looked to this as a belligerent right of the nation in war.

He believed that the Confederate States, being a belligerent, and having caused an unjust war and staked their fate upon it, would be but suffering,

by confiscation, what many other and more innocent belligerents under defeat had suffered before.

He did not at any time contend for a universal and general confiscation, and he repeatedly raised his voice in opposition to the popular desire for the capital punishment of the Confederates. He was not a man of blood, fond of sanguinary punishments, though, in common with nearly every one at the close of the war, he expected a few victims should propitiate the wrath of the victorious nation, in view, as Stevens put it, "of our starved, murdered and slaughtered martyrs." But he sought, rather, political punishments for political crimes. When, after the assassination of Lincoln, Jefferson Davis and other Southern leaders were accused of complicity in that insane act, Stevens uttered a quick and complete disclaimer of such a belief. He said, "I know these men, and they are not capable of such a deed." He appreciated the Southern sense of honor and manhood; and while they had, as he thought, committed great political crimes for which they should be punished, they were not capable of the monstrous and cowardly crime of assassination. He repeatedly urged restraint against any scheme of bloody assizes or judicial murders. He recognized the fact that trials for treason should not be held by courts martial; that would be a stretch of public law. He saw that Southerners would not be convicted of treason by impartial juries, as that would have to be done in the district in which the overt act was committed. A jury might be *packed* to convict, but that would not be an impartial trial; it would be judicial murder, an act which

Stevens said would rank in infamy with the trial of Lord Russell. The same difficulties would arise in trials for forfeiture, as there could be no bills of attainder. Therefore, if there were to be punishments which the voice of the nation so generally demanded, Stevens claimed that his plan of confiscation was the most feasible and effective.¹

He was not asking the penalty of death on any. In principle he was rather opposed to capital punishments. In December, 1866, he opposed a bill brought in by the Judiciary Committee of the House repealing the statute of limitations and providing that all persons guilty of treason might be tried at any time for the crime. This, to Stevens, was too much like judicial murder, and while he knew that no Confederate could be convicted of treason, he would rather "let every man of them run unpunished forever than to make a law now by which they could be punished." "By such a measure," he said, "our government would be endangered in its future existence, in its sense of justice, in its character before the world." So many were engaged in treason and rebellion that "there must be some quieting law."²

No one wished more than Stevens that bloodshed might cease with the war. In early life he had adopted a doctrine of milder punishments. In seeking the punishment of confiscation he sought thereby to bring about the degradation from social rank and political power of the rich and powerful leaders of the Rebellion. These "higher-ups" were the respon-

¹ Speech at Lancaster, Sept. 8, 1865.

² McCall, pp. 287-288.

sible and guilty ones. He always contended that the great body of the Southern people ought to be excused from all penalties of the war which guilt inflicted; only the culpable leaders should be punished, and that, not by death, but by fines and confiscations.

His doctrine was that when two nations go to war to settle a dispute, where each considers himself right, and the one nation conquers the other, the conqueror has the right to prescribe the terms of peace, impose the burdens of confiscation not exceeding the usages of modern civilization, and uniformly compel the defeated belligerent in an unjust war to pay the expenses of the war and the damages it inflicted.

The South had proclaimed and maintained a well organized government whose stability depended upon the relative strength of the two nations at war with each other,—for nations they were, for all purposes of belligerent rights and liabilities, so long as either remained unconquered. The South's claim was independence. "Whether we ignore their pretensions it is clear our Southern malefactors could not," said Stevens. Prussia had just made Austria pay \$45,000,000 toward the expenses of a war that had lasted less than a month.¹

The confiscation Stevens favored was the same in principle that had been pursued during the war, the same as that announced by the Act of 1862. That was enacted as a means of carrying on the war and as a deterrent to rebellion; this was proposed as a

¹ A few years later he could have adduced a more forcible illustration in the tremendous war indemnity imposed by Germany upon France, 1871.

means of paying for the war and as a punishment for offenses committed. The principle of belligerency, — the basis of the policy, — was the same in each case. The Act of 1862 was designed not as a forfeiture of the property of rebels under common law, but as the seizure of the enemy's property and its appropriation to the expenses and damages of the war. Stevens wished that policy to be continued till it had accomplished its purpose. This was the extent of his "cruel disposition." He claimed to be asking only one-fourth part of the debt inflicted, nor would he touch the poor and ignorant. It was the pride of the "nabobs" he was after, such as "the few rich about Charleston whose millions," he asserted, "had been earned by running the blockade, and whose heads reached the stars while their feet were trampling upon freemen and freedom."

Stevens insisted upon this policy as a means of reforming Southern society. He believed that the foundations of Southern institutions, political, municipal, and social, should be broken up and relaid, or "all our blood and treasure have been spent in vain." This could only be done by holding the South as a conquered people, completely within the power of Congress.

Since he wished to exempt the poor, and punish only the rich, who were the culpable leaders, and thus to reconstitute society, he proposed to confiscate only the estates of those whose lands exceeded 200 acres or were worth \$10,000. The poor, ignorant, and coerced should be forgiven, since they had merely followed the example and teachings of their wealthy

and intelligent neighbors. The Rebellion would not have originated with *them*. Nine-tenths would thus escape all penalty. He estimated that about 70,000 persons owned about 200 acres each, leaving 71,000,000 acres to all others. There were 294,000,000 acres of land in all. Use 40,000,000 to give 40 acres to each adult freedman. Sell the rest to the highest bidder at a price that would certainly net \$10 per acre, including town property. The total financial return would be \$3,540,000,000. Let this be applied as follows:

1. Invest \$300,000,000 in six per cent. government bonds, adding the semiannual interest to the pensions of those maimed by the war.

2. Apply \$200,000,000 for damages to loyal men North and South from rebel raids and seizures.

3. Pay the residue, more than \$3,000,000,000 on the war debt.

Speaking before his people at home in his impassioned plea for this scheme of ruin to Southern wealth-holders, Stevens said:

“Who can object? Is it not just? Look around and see the men with one leg, one arm, one eye, carried away by rebel bullets, or others wearing the weeds of mourning for those sacrificed by rebel perfidy and ask if too much is required. In ordinary transactions he who raises a false clamor or institutes an unfounded suit is required to pay the cost of his defeat. How much more should this well-recognized principle of law apply in such a case as this! Those who have more sympathy with the wives and children of rebels than with those of loyal men say that this stripping rebels of their estates and driving them to exile or honest labor would be harsh and severe upon innocent

women and children. It may be so, but that is the result of the necessary laws of war.

"They say it is revolution. No doubt it would work a radical reorganization in Southern institutions, habits, and manners. It is intended to revolutionize their principles and feelings. This may startle feeble minds and shake weak nerves. So do all great improvements in the political and moral world. It requires a heavy impetus to drive forward a sluggish people. When it was first proposed to free the slaves and arm the blacks, did not half the nation tremble? The prim conservatives, the snobs, and the male waiting-maids were in hysterics. Heretofore Southern society had more the features of aristocracy than democracy. The Southern States have been despotisms. It is impossible that any practical equality of rights can exist where a few thousand men monopolize the whole landed property. The larger the number of small proprietors the more safe and stable the government. As the landed interest must govern, the more it is subdivided and held by independent owners the better. How can republican institutions, free schools, free churches, free social intercourse, exist in a mingled community of nabobs and serfs, of owners of twenty-thousand-acre manors, with lordly palaces, and the occupants of narrow huts inhabited by low white trash? If the South is ever to be made a safe republic let her land be cultivated by the toil of its owners, or the free labor of intelligent citizens. This must be done, even though it drive her nobility to exile. The owner of ten thousand acres who drives his 'coach-and-four feels degraded by sitting at the same table or in the same pew with the embrowned and hard-handed farmer who has himself cultivated his own thriving homestead of one hundred and fifty acres. This subdivision of lands will yield ten bales of cotton to one that is made now and he who produces it will own it and feel himself a man. Let us add this plank to our platform: The property of the rebels shall pay our national debt and indemnify freedmen and loyal sufferers, and under no circumstances shall we allow the national debt to be repudiated. Let all

who approve these principles rally with us. Let all others go with Copperheads and rebels. Those will be the opposing parties. Young men, this duty devolves on you. Would to God, if only for that, that I were still in the prime of life that I might aid you to fight through this last and greatest battle of freedom.”¹

To the need and wisdom of this policy Stevens frequently called public attention, as these pages show. In March, 1867, after the reconstruction measures were passed, he introduced a formal bill to enact his policy into law. His bill involved essentially the scheme outlined in this Lancaster speech of 1865, except that all estates above five thousand dollars instead of ten thousand dollars were to be subject to the penalty. He defended his measure in a prepared speech. He would make an issue before the American people on the punishment of traitors, “a matter that had been wholly ignored by a treacherous Executive and a sluggish Congress,” to see if they “will sanction perfect impunity for murderous belligerents and consent that loyal men who have been despoiled of their property shall go without compensation.” To that issue he was ready to devote the small remnant of his life.

He dwelt on the cruelties of the war, on the condition of the injured and the destitute, and on the great crime of making war on the republic. He was ready to share with the President the credit of this policy. The President had favored it “while he was clothed and in his right mind, but Seward had entered into him and ever since they have been running down steep places into the sea.” He quoted John-

¹ Speech at Lancaster, Pa., Sept. 9, 1865.

son in favor of punishing traitors, seizing their plantations and selling them to honest men. "Let there be no protection to traitors," Johnson had said in 1864, "while the poor man stands out in the cold." So Stevens claimed that he was but following the teachings of Johnson.

"This bill," said Stevens, "is condemned only by the criminals and their friends and by unmanly men whose intellectual and moral vigor has melted into a fluid weakness which they mistake for mercy and which is untempered by a single grain of justice, and by those religionists who mistake meanness for Christianity and who forget that the essence of religion is to do unto others what others have a right to expect from you." He wanted no mawkish prating about the fatted calf and the prodigal son, whose offense was venial compared with "this murderous Rebellion which deserved the divine penalty imposed upon Cain!"

He insisted on the right of the victor to an indemnity to the full expense of the war. The bill was therefore merciful, asking, as it did, for less than a tenth of our just claims. Safety requires stern justice, and it was but just on the basis of lawful earnings that the unrequited toil of ages, by which the slaves had earned the land for their masters, should at last be rewarded by homesteads for the poor. "If we refuse this downtrodden race the rights which Heaven has decreed them and the remuneration they have earned through long years of oppression, how can we hope to escape still further punishment if God is just? The plague will come. Seek not to di-

vert our attention from justice by a puerile cry about fattened calves!"¹

It is not to be understood that Stevens stood alone in advocating this policy. Sumner, Wendell Phillips, and the radicals all favored it. The American Anti-Slavery Society in one of its last meetings declared for it. The Southern Unionists greeted the proposal with enthusiasm and were its persistent friends. The independent Republican journals of the North treated it with respect. George William Curtis in *Harper's Weekly* called it "a mild confiscation," by no means "a frantic act of vengeance," as it had been called. The genial Curtis, the gentleman and the scholar, is never thought of as "vindictive" or "implacable," yet he gave a large measure of endorsement to Stevens' proposal, by urging that the freedmen and poor laborers, without land, were every day dependent upon landholders, and that if they should refuse this policy they would surpass in self-restraint and honesty any landless class in history. To punish the disloyal and to enable the new landless citizens to obtain land, "may be inexpedient under the circumstances, but to call it vindictive or to suppose it has no defensible reason is absurd."² The *Nation* thought it too late to carry such a policy in 1867, though that journal approved the policy as reasonable for 1865. Now after two years of peace when it was seen that no one would be punished for the Rebellion, such a policy "could only breed heart burning and hatred which centuries of good government could not wipe out."³

¹ Speech, *Cong. Globe*, March 19, 1867.

² *Harper's Weekly*, May 18, 1867.

³ *Nation*, May 2, 1867.

Stevens' policy could not be carried out because the country was ready to accept the reconstruction measures as final and to feel that in them enough had been enacted. Reverdy Johnson, of Maryland, representing Democratic conservative opinion in the border South, accepted these measures as a means of allaying sectional strife and to prevent additional and more drastic terms. If it had been made to appear that the South was determined to defeat the reconstruction acts as it had the fourteenth amendment, and to prevent the establishment and operation of state governments on the basis of equal rights for the freedmen, it is not unlikely that Stevens could have rallied Congress and the country to his policy of confiscation.

Stevens' detractors have charged that behind this policy was the mean and selfish motive of compensating himself for damages inflicted on his property during Confederate raids and invasions into Pennsylvania. Stevens was used to such charges and was unmoved by them. It does not appear that he ever answered this one in public. He despised the men who uttered it. He was, indeed, a considerable loser by the war. In a private letter of July 11, 1863, he describes his losses. He says the rebels were led by some friend to his place, his iron works at Caledonia. They took his horses, mules, and harness and even the crippled horses that were running at large. They seized his bacon (about four thousand pounds), molasses and other contents of the store; took about one thousand dollars' worth of corn in the mills and as much other grain. They burned his furnace, saw-mills, two forges, and the rolling-mill. They slept in

the office and store room and next day they burned them, with books and all. They even hauled off his bar iron, being on the road convenient for shoeing horses, and his wagons, about four thousand dollars' worth. They destroyed all his fencing, much of it new and extensive. They destroyed his grass, about eighty tons, and broke in the windows of the dwelling houses where his workmen lived. "They could not," he concluded, "have done the job cleaner. It is rather more than I expected. They finally expressed great regret that they were not so fortunate as to meet the owner, who seems to be very popular with the chivalry. I know not what the poor families will do; I must provide for their present relief."¹

Stevens estimated his loss at about ninety thousand dollars, about the savings of his life. He recognized that the government did not indemnify for such losses and he never expected to recover. For the third time he was reduced to comparative poverty; yet he thought that with the little strength remaining to him he would be able to make a living. He, therefore, refused to accept a proposal from some of his friends that provision should be made for his declining age. It is not at all likely that he would have put in a claim to the government if his scheme of confiscation had been carried. He cared as little for money in itself as any man living. "I think I have," he said, "enough to pay my debts. As to my personal wants nature will soon take care of them. We must all expect to suffer by this wicked war. I have not felt a moment's trouble for my share of it. If finally the

¹ Stevens' Papers, Library of Congress, July 11, 1863.

government shall be reestablished over a whole territory and not a vestige of slavery be left, I shall deem it a cheap purchase. I hope to be able with my remaining strength to sustain myself until my strength and my temporal wants shall cease together.”¹ He forbade the publication of these letters, saying that he did “not write for fame.”

It will be readily agreed that Stevens' scheme of confiscation, after the war had long since ceased, was not a statesmanlike policy. It was not characterized by generosity nor nobleness of spirit, nor was it calculated to promote peace, prosperity and good will in a restored Union. It partook of the implacable and the unforgiving, and showed an unwillingness to be reconciled and to heal the wounds of war. It disregarded the wisdom of experience in the history of human governments,—that generous amnesty for political crimes against a government whose power is undoubted and whose authority is no longer contested, is the surest guarantee of order and loyalty among a disaffected citizenship. But Stevens, like all public men, must be judged by his times. In holding that the leaders and promoters of the Rebellion were criminals who ought to be punished for their crimes, he was in entire accord with the great mass of the Northern people, and his utterances differed from those of his colleagues and contemporaries, if they differed at all, only in force and intensity, and not at all in spirit. That which in Stevens has come to be called uncharitable and malignant was at the time regarded only as a hot and righteous indignation

¹ Letter of July 6, 1863, to T. Stevens.

over stupendous wrongs that had been committed against the nation. The bitter strife of those times led many men better in moral nature than Stevens to indulge in harsh and malevolent utterances while they were in most of the ordinary relations of life, as Stevens was, benevolent in spirit.

In personal relations among his associates Stevens did not usually manifest the implacable spirit. Ample testimony may be gathered from the good people of Lancaster among whom he spent so many years, to the effect that in the relations of social and every-day life few men were more generally beloved by their friends and neighbors than was Thaddeus Stevens. He was likable, not only among his partisans, but even among many whom he opposed in legal and political contests; and, strange as it may seem, Southern men, in many instances, found him personally attractive and agreeable. His friend, Judge William D. Kelly, of Pennsylvania, said of him that personally "he was incapable of a vindictive act." His policy toward the South may serve to illustrate the depths of his political convictions and the extent to which, intense as he was in nature, he allowed his political opinions and passions to govern his attitude and conduct toward his fellow men. Hard in heart toward his political foes, he sought to encompass their punishment, but his thought was not of that alone. Pretending to no high degree of morality or religion, he claimed to be governed by humane and strict justice, — the justice that would give equal opportunities for all. He looked upon his policy as a necessary means to breaking up the system of land monopoly in the

South which he regarded as the essential support of the slavery system which he would uproot and obliterate. His vision of a true republic had led him to see that wage-slavery for labor was but little better than chattel slavery. He would, therefore, take power from the few and distribute it among the many by breaking down the landed aristocracy and relieving a landless class,—a class that was always dangerous to a republic.¹ His policy in this matter as in all others was inspired in large measure by his democracy and his love of the common man.

He believed that justice would abolish the ills both of poverty and aristocracy; and while claiming that he had voluntarily relinquished all claim for his own personal injuries and that his passions were so entirely under his control that he would inflict no vindictive vengeance upon those who had done him the greatest wrong, yet his conscientious duty as an agent of his people, and a true public policy in view of such a gigantic and unprovoked rebellion, led him to seek the fines and penalties, that, as he thought, should always be visited upon the public enemy and the defeated and guilty authors of an unjust war.

¹ Remarks of W. D. Kelly in Memorial Address on Stevens, in Congress, 1868.

CHAPTER XXI

THE GREENBACKER; FUNDING, DEBT PAYMENT AND CONTRACTION

AT the close of the Civil War in 1865 the people of the United States were in the enjoyment of unprecedented prosperity. Within eight short years they had passed through the valley of adversity — through a period of loss, stagnation in trade, fall of wages, suspension of enterprises, bankruptcy, disaster, ruin. What were the causes of this woful change of condition, of this social and industrial catastrophe that appears to have consumed more wealth and caused more misery and destruction, so far as the material prosperity and happiness of the people are concerned, than all the waste, losses, and disasters of the four years of war?

This summary statement of a chapter in our industrial history, with its attendant inquiry, indicates the pivotal controversy in our financial history. The controversy involved a conflict of interests, a war of industrial and financial classes. It involved the whole problem of money, with which the country has had severe periodical wrestlings since the Civil War. As one reviews the history of the period with its many controverted issues and partisan strife, he is led to believe that the merits of the great struggle over money and the currency were ill-understood by

the disinterested public opinion of Stevens' day. The financial policy then instituted under the direction of a rising powerful moneyed interest, can not be said to have occupied the attention of the people, fraught though it was with the direst peril to their welfare and happiness. Either the financial policy adopted by those in the places of power was pursued in the face of public sentiment, or the people of America capable of contributing toward public opinion never adequately understood the merits of the controversy. The attention of the country was distracted by the dominant and heated questions growing out of war and reconstruction, and the people were not permitted to give direct and thoughtful attention to the vital matters of currency and finance.

Stevens himself lived through but a few brief years of this struggle, but as he contributed to its discussions and opinions in important ways, and since the Stevens greenback occupied the center of the stage for the first decade of the dispute, one feels that a sketch of his life should attempt at least a brief portrayal of the merits and issues which this struggle involved.

Stevens was a Greenbacker. True, he did not join that historic political party. He did not live long enough to do so, nor is it certain that he would have abandoned the Republicans had he lived until the Greenbackers came into the arena,—clear in his mind and deep in his convictions though he was as to the righteousness of the Greenback cause. He had announced principles and policies that underlay the inception and progress of the new radical party. He

did what he could, while living, to keep his own party from pursuing the policy of selfishness and error, as he thought, which brought the Greenback party into being,—a party whose history and *apologia* have yet to be written, and whose cause has been treated with scant justice, not to say with gross injustice, by many economic and historical writers. He had tried to deliver the government from bondage to the gold standard during the war and he believed that if gold was ever to be restored to its former money use, it would be not by the policy of contracting and destroying the beneficent currency which the war had produced, but by the growth of the country, by its expanding trade, and by the retention and larger legal use of this paper currency,—all of which would serve to bring the greenbacks to a parity with gold. Thus, gold, silver, and the war paper, would all circulate together.

It is the purpose of this chapter to present, as fairly as the limits of space will permit, the merits of this contention, and to point out the significance of the financial policies that were being pursued during the remaining years of Stevens' life.

The war had hardly ended before a policy was begun of contracting the greenback currency and of changing the national indebtedness from a basis of paper values to a basis of coin.

The struggle began,—or was again renewed,—on the one hand, to discredit and destroy the war currency and to reduce values to a gold basis; on the other hand, to preserve this currency and to retain the measure of value that war conditions and legislation had brought about. It was contended by those

who wished to carry out the policy of destroying the legal tender currency of the war, that greenbacks were "bad money"; that they were not money at all, but only promises to pay money; that, as their issue had been permitted only because of the necessities of war, their existence, as an irredeemable paper currency, should be tolerated only so long as necessity compelled; that to continue this "plethora of paper money" as a permanent policy would be to undermine the morals of the people and to strike at the root of our national prosperity by encouraging waste and extravagances.¹ It was said that this money was "dishonest" and that the honor of the nation demanded that the greenbacks should be "redeemed" by being called in and destroyed; that the country's prosperity, its increasing industries and expanding trade, while gold was at a premium, could be only a "mock prosperity,"—a "delusion and a snare," "a hollow and seductive prosperity," as Secretary McCulloch called it.² The people merely *thought* they were prosperous, while, in fact, they were not. They were deluded, since the greenback prices were "inflated," "hocus-pocus" and "abnormal." Any price above the gold price was "unnaturally high,"³ leading to "an unhealthy condition of business"; and the only road to safety and real prosperity was to return to the gold standard which was the measure of "normal prices" and the only "sound and honest money for the world."⁴

¹ Sec'y. McCulloch's Report, Dec. 4, 1865.

² Addresses and Speeches by Hugh McCulloch, pp. 50, 51.

³ D. A. Wells' Pamphlet, 1876.

⁴ *Ibid.*

Those who held this view contended that coin circulation was the "normal volume" and that the "redundant currency" must be reduced; that the only honest and practical way of restoring our paper money to a "sound condition, equal to the money of the world," was to retire it until what remains should circulate as the equivalent of coin, and after that was done it would be better to substitute for the greenbacks the paper money of the banks, "convertible" into coin (when possible or convenient); and that this "convertible" bank paper was the only kind of paper money that should be tolerated. It was urged vehemently that, at every hazard, the greenbacks should not be used in the payment of the public debt. Although they had been used to buy the government's bonds when gold was selling for two to one, yet for the government to use them in satisfying the claims of the patriotic bondholders who had made such financial sacrifices in the war, would be the last act of national dishonor.

Many of the partisan advocates of this policy charged, and no doubt many good people were made to believe, that the only reason why others favored a currency and a lawful money other than coin or its equivalent, was because they wished to cheat their creditors, repudiate their debts, violate their contracts and dishonor the nation.¹

¹ Many of the honest yeomanry of the land, men who had fought bravely for the integrity of the nation, who were struggling manfully to meet their financial obligations, were denounced as "repudiators," "cheats," "hayseeds," "financial lunatics," "wild-eyed cranks," and "rag-money men," because they wished to retain in use, and, if need be, to increase the circulation of the greenbacks that had successfully carried the

Many of the honest opponents of the greenbacks, the advocates of a contracted currency and the gold standard, seemed possessed with the idea that nothing but coin was *real money*. They deemed no one competent to deal with the money question who had not recognized that as a fundamental fact.¹ On the basis of this dogma as a fundamental premise, they had settled the money question in the most arbitrary and dogmatic way, and they, therefore, usually met their greenback opponents not so much with reasonable arguments as with misrepresentation, denunciation, ridicule, hoots, and sneers. Had not the continental currency of the Revolution become worthless? Had not the state bank currency of the War of 1812 led the country to confusion? In all the history of currency had not "paper money crazes" produced only conspicuous wreck and ruin? If Congress were allowed, as a permanent policy, "to coin money and regulate its value," and to do this by paper issues, had not all experience shown that the debtor classes would bring such pressure to bear on government that the public printing-presses would be started to work and the legal tender notes would be issued in such quantities that they would become altogether worthless? Would not debtors then satisfy their creditors with notes that cost them little or no effort to obtain? Was it not too dangerous to entrust such power to the rep-

country through the war. "He who is not in favor of contracting the currency is not in favor of paying it, and he who is not in favor of paying it is a repudiator." This was adopted as a text, or motto, on a pamphlet on "Contraction," by David A. Wells, in 1876.

¹ John Sherman, *Speeches and Reports on Finance*, p. 188.

representatives of the people under universal suffrage? Was there not a "natural immutable law," a "divine law," that there was but one true standard for money and that standard gold? "From the earliest record of humanity, from Solon to our day, gold and silver have been the media to effect exchange and they would continue to be the current coin till the completed history of nations now rising into greatness shall be folded away among the records of time."¹

What was to be done to work out into law the policy of this idea of money? It was simple enough. Let all the paper obligations of the government, amounting to \$1,500,000,000 or more, including its paper money, be turned into coin liabilities,—into long time gold bonds. Let the nation not dishonor itself by paying off, or redeeming, any of its obligations in the so-called "lawful money" which it had made, and which had been used to buy these obligations; but let all these non-interest bearing greenbacks be called in and retired. They were promissory notes, an evidence of debt; let them be burned up and utterly destroyed that neither government nor people may ever see their face again, and in their stead let there be issued interest-bearing gold bonds. As for a paper currency the na-

¹ Such propositions, the reader may be surprised to learn, were laid down as fundamental postulates on the money question by no less a person than Senator John Sherman, of Ohio, in 1869. See *Speeches and Reports*, p. 188. Sherman, probably moved by the political situation in Ohio and the West, was then resisting what he deemed too rapid a contraction, but he was entirely controlled by the traditional and prevailing coin theory of money. He lived to see silver laid aside as standard money, which had been used from "the earliest records of humanity," and he helped on in the process, and that, too, quite a while before the completed history of rising nations had been entirely "folded away in the records of time."

tional banks could issue their notes if they would, and the nation's credit, in the shape of its bonds, the only legitimate form of the war debt, could be had to make these bank notes good safe money. All values were again to be based upon coin, and all debtors, contractors, those with enterprises on foot, were to be forced to a settlement upon that basis.

To these blind views, sustained by a prejudice and tradition that bordered on idolatry, and the fatal policy that was instituted to carry them out, the Greenbackers (and Stevens would have been with them in this) attributed the panic of 1873. The policy was directly in the interests of capitalists, bankers, and money lenders,—the men who held the national debt. The Greenbackers looked upon this policy as the rough hard road by which the country was forced to travel in reaching what was called the “resumption of specie payments.” And when within less than eight short years that policy had been carried and it was known that at a time fixed it would be an accomplished fact, the debt of the country, held by its bondholders and measured by its products and its toil, had been doubled; while the money in circulation among the people, the measure of their contracts, their properties and their values, had been reduced to such a degree as to make industrial panic and desolation inevitable.

The country reached the specie standard and its attendant “real prosperity.” But there were certain classes of people who seemed unable to appreciate the blessings of such prosperity, who insisted that another money policy would have been more in harmony with the interests of the masses of the people,—of the man-

ufacturers, laborers, farmers, and producers of the country's wealth. The greenback dollar could now be exchanged for one in gold if any one cared for it, but it was felt that the country had come to a time when, as Solon Chase expressed it in his homely way up in Maine, there was "too much hog in the dollar" and when "them steers, while they grew well, shrank in value as fast as they grew." The value of the hay and the corn which the farmers fed year by year to their hogs and their steers was being absorbed year by year by the loan and the bond. It was indeed prosperity for a certain class,—but the class represented less than five per cent. of the community.

Stevens had an eye exactly adapted to the detection of that kind of prosperity and before he died he foresaw and foretold it. He represented another view of money and the greenback, and another process of recovering the use of coin in circulation,—though that recovery was not at all deemed essential to the progress and prosperity of the country. Just as there was a conflict of interest and opinion at the inception of the greenback money, so now the same forces, or interests, were warring over its continuance.

It was held on this side of the controversy, that the greenbacks were doing the work of money; that as this paper money was doing the same money work for the country that gold could do, it would have the same industrial effect to retire it as would the loss of so much coin if the country were on a gold basis. These friends of the greenbacks had the vision to see that the virtue, or essence, of money is not in its substance but in its use; that whatever does the work of

money is money; and they saw that the greenbacks could and did perform the only essential functions of money,—they could satisfy debts, pay taxes, and effect exchanges. As certain of their own prophets had taught, men like Peter Cooper and Eleazar Lord,—practical and eminently successful business men and noble public spirited philanthropists,—the defenders of the greenback now had the faith to declare that money is the creature of law; that all money, metallic or paper, should be issued and its volume controlled by the government, and that its value, other things being equal, would depend upon the *quantity* that government permitted to exist; that a precious commodity like gold was not essential nor desirable,—its supply might be capricious or so limited as to be easily “cornered”; that the value of money (thoughtlessly spoken of as “intrinsic”) is never inherent in the substance used, but depends always upon the relation between the money demand and the money supply;—money itself was subject to that great law of supply and demand, like everything else. They held that if we could but continue a paper money, limited in supply, backed by a financially responsible government, with an unlimited power of taxation, a money receivable for *all* debts, public and private, guaranteeing no redemption beyond its acceptance for taxes,—such money, the Greenbacker held, would be the best that could be devised.

The friends of the greenbacks claimed that these notes had enabled the people to build up the country, and that they were not to be regarded as a *debt* in any proper sense, but as *money*, which at the time was

very properly being used to measure the value of all property, gold and silver included. But if these greenbacks were to be looked upon as a *debt*, they were certainly the least burdensome of all forms of the public indebtedness, and that it would be nothing short of financial folly, or a plain case of class favoritism, to substitute for them a bonded debt that would cost the government millions in interest and the people an equal sum in additional taxes and shrinking prices.

This party of opinion did not object to the use of gold and silver in the currency of the country, but this *resumption of specie* (not at any time a matter of importance to be sought by legislation) was to be brought about not by a forced but by a natural process, by such growth of the country and the expansion of trade as would so increase the demand for money that gold and silver, as well as all the paper currency, would be called into use, and would be interchangeable; and thus the parity of paper and gold would be established.

In the issue thus joined between the two views of money and the greenback, the friends of the greenbacks were defeated. They were not fully heard. The organs of public opinion were not in their hands. They were generally common people, many of them poor and struggling with debt. They had but few leaders of weight and reputation, while the leaders they had, like Stevens, were absorbed by another great public question, and Stevens was destined to pass too soon for this cause from the field of action. When the policy of contraction had proceeded and forced resumption had been decided upon; after the panic of 1873 had come and while the country was still in the

midst of the commercial depression that followed, the greenback protagonists called forcible attention to some facts in the history of the period which they deemed to be responsible for all the suffering of panic and disturbance through which the country had been carried. The essence of their complaint, so far as it may be reduced to a summary statement, is as follows, — involving what appears to be a very significant and essentially true representation of the financial record of the time.

When the war ended, the public debt of the United States stood at something over \$2,800,000,000. Of this amount more than \$1,200,000,000 was payable at the option of the treasury or within a brief period. There was in circulation among the people a volume of money of more than \$2,100,000,000.¹ As part of this currency bore interest, it was, therefore, a kind that partook of the value of an investment; but they were notes that had been engraved and prepared in a form to circulate as money, and did, in fact, so circulate until they were funded into gold-bearing bonds, or their interest accumulated so as to make them superior to the ordinary kind of currency.²

All this money was in active and favorable circulation among the people and was being used as the basis of exchange and contract values. In ten short years the money of the people was reduced from more than *two thousand millions* to but a little over half a billion of dollars. From a circulating currency of

¹ Counting the greenbacks, the bank notes, the compound interest notes and the short time interest-bearing notes.

² *Cong. Record*, March 31, 1874, Maynard, Chairman of Committee on Banking and Currency.

fifty-eight dollars per capita in 1865, the people were reduced to a little over *seventeen dollars per capita*, in 1875,—while the national debt measured in terms of wealth, of its commands over the products and property of the earth, had almost doubled.¹ Whatever show of reasoning or sophistry, or confusion of words, may be arrayed to refute the quantitative theory of money the instance has yet to be adduced in the history of currency when such a process as this can be gone through with by a people in so short a time without loss, disaster and ruin.

Thus, we see that with a redundant paper currency the country was launched upon a quick voyage to a specie standard. It was put under the severe process of passing from an inflated currency to a contracted currency, from paper currency under which wheat sold at nearly three dollars a bushel to a gold currency under which wheat could sell at but little more than one dollar a bushel. This meant on all products and properties a sudden and disastrous slump from high prices to low prices. It meant that contracts could not be kept; that debts could not be paid; that ruin would come to thousands of competent business men; and that the owners of farms and homes who had paid half their debt on purchased goods and properties had to let their property go to satisfy the other half of the claim. To tens of thousands of sober, honest, and industrious citizens it meant the loss of property, business, reputation, and home. As Mr. Sherman said in the Senate, it was impossible to take such a voyage without distress. To every person except a capitalist out of debt,

¹ Zachos, J. C., *Financial Opinions of Peter Cooper*, p. 9.

or to a salaried officer or annuitant, it was a period of loss, bankruptcy, and disaster. To every railroad it was an addition of at least one-third to the burden of its debt, and, more than that deduction from the value of its stock. To every bank it meant the necessity of paying one hundred and fifty dollars for every hundred dollars of its notes and deposits, except so far as the bank might transfer this to its debtors. It meant the ruin of all dealers whose debts are twice their capital, though one-third less than their property. It meant the fall of all agricultural productions without any very great reduction of taxes. "To attempt this task suddenly, by a surprise upon our people, by at once paralyzing their industry, by arresting them in the midst of lawful business and applying a new standard of value to their property without any reduction of their debt or giving them an opportunity to compound with their creditors or distribute their loss, would be an act of folly without example in modern times.¹

I introduce this brief study bearing on the merits of the financial struggle following the Civil War because Thaddeus Stevens, since the country had entered upon this controversy three years before his death, bore in the struggle a very prominent and notable part. The large and permanent significance of this issue, as here interpreted, may not have been clear to all who took part in the struggle, but its underlying merits were clear to Stevens. He saw enough of this conflict of ideas and policies to lead him to place himself upon record. He was, in fact, already upon record, and he

¹ John Sherman, Speech in the United States Senate, Jan. 27, 1869, *Speeches and Reports on Finance*, p. 199.

had now only to follow consistently the course upon which he had begun.

As usual, he spoke forth boldly his principles and his sympathies. When the issue, as he would put it, between the money of the people and the money of the gold-dealers came up in a new form Stevens committed himself instinctively to what he considered the cause of the people, to the cause of the poor, of the struggling masses. The other side, the forced resumption of gold payments and dear money, he looked upon as the cause of the rich, the powerful, of the pampered classes that were seeking special favors from government. He opposed Secretary McCulloch's policy of steady and rapid contraction; he resisted the forced and rapid resumption of specie payments; and all the wrath and indignation of his nature were roused to oppose and denounce the policy of turning all the obligations of the government into long time gold bonds and of repudiating the "lawful money" of the country as a means of debt payment. A brief review of his opinions on these financial proposals of the time will serve to make clear his attitude toward what he deemed the ruinous policy which for years he had sought to avert.

During the continuance of the war Stevens had frequent occasion to discuss the loan policy of the government. When the Loan Act of March, 1863, was pending he made known his dissatisfaction with the policy that was being pursued. This act, in addition to authorizing \$900,000,000 in ten-forty bonds at six per cent., provided for the issue of short time treasury notes. These notes were to bear interest; they were

to be a legal tender for their face, and were convertible into greenbacks; that is, government would accept or redeem them. They had coupons attached, and as the interest accumulated they were taken in and held by the banks; and on the basis of these notes as a reserve (on which the holders were drawing gold interest) the banks would issue more of their own notes, thus inflating the currency. When the coupons were clipped and the interest was collected in gold the notes were once more sent out to circulate among the people,—until the interest, always in gold, accumulated to an amount sufficient to make them an object for hoarding. Thus there was recurring inflation and contraction of the government currency as the periodical payment of interest would inflate it and the hoarding of the notes by the banks might be used to contract it.

Stevens vigorously attacked this policy. He thought it was directly in the interests of the banks and those who could hoard the notes for gold. To him it was plain class legislation, and destructive to the interest of the government. He proposed a substitute providing, what he had always at heart, that the government pay its interest in "lawful money," just such money as other people pay theirs in, except where our faith is specifically pledged to pay in gold; and the public faith to pay in gold he would pledge no further. "What justice is there in compelling the people to receive their interest in a currency of forty per cent. less value than is paid to the banks and capitalists who invest in government bonds? It seems to me a rank injustice." With so small an interest-bearing debt as we now have gold is at forty

per cent. premium.¹ What will it bring when the debt is ten times as great, as it will be when all the prospective bonds are issued? Gold would be at a premium of sixty per cent. He saw a rising debt of more than \$3,000,000,000 with an interest burden in gold so great that the taxes made necessary to meet this claim would lead to but one result, namely, bankruptcy and repudiation.

If the government could be brought to the wise and reasonable policy of paying its interest in legal tender notes, both on its short time loans and its long time bonds, then the short loans when they fall due, may either be paid in legal tender or be funded into twenty-year bonds. He calculated that \$50,000,000 of gold would be received annually from customs, being \$26,000,000 above the ordinary government needs. This surplus could be used as a sinking fund for ten years, deposited in state banks on ample securities. Before this fund could be exhausted the decreasing interest and the increasing receipts would "enable the sinking fund to pay the whole debt in coin without buying a dollar."

His policy was to offer long time twenty-year bonds whose principal was to be specially payable in coin, while the interest was to be payable in legal tenders, in the belief that after the lapse of twenty years the country would again be on a specie basis, from its assured growth in population and trade. He thought his specie bonds would sell better than "the lawful money bonds" that the committee was proposing, with gold interest. "I object," he said, "to the payment

¹ He was speaking on January 20, 1863.

of specie for interest, as it sets the government and the merchant in competition and puts them both in the power of banks and brokers. Besides it is a shame to use one currency for the government and another for the people." He thought it would be better for the investor to take his interest in legal tender, which will answer all the purposes of business, and get the principal in gold, than to take dribbles of interest in coin and the substantive capital in legal tender or whatever else the government makes money.¹

Stevens' counter-proposal to save the treasury from being worsted in the financial deal and to recall the government from its policy of bidding for gold and thus boosting the gold premium, was not successful. But the discussion shows very clearly in what kind of money Stevens thought the bonds that were then being issued might be paid. His warning went unheeded. The war was impeded and the treasury distressed in order to get the rising gold for interest payments. But Stevens did not despair of the republic. "Such," he said, "is the great wealth, the fertility, the irrepressible energy of this great country that she will be able to rise from her prostration, like the fabled giant who, when felled to earth, drew fresh strength from the bosom of his mother,—and hurl to destruction all the rebels of the South and all the traitors of the North, who, within this House and out of it, may be seeking for their own grasping ends to put unjust and double financial burdens upon the backs of the people, or who are basely advising us to lay down our arms and meanly sue for peace."²

¹ *Globe*, Jan. 20, 1863, p. 411. ² *Globe*, Jan. 20, 1863, p. 411.

Stevens, however, never rested under the policy that had been adopted. He believed that the effort of the government to continue interest payments in coin would in the end prove disastrous. To that policy he attributed the annoyances, uncertainties, losses, and abnormal prices resulting from the speculations in gold. He was especially irritated because the gold dealers had such influence with the government and because they were still able to dominate the money market. He let no occasion slip to criticize their ways or to embarrass them in their proceedings. One of his measures, which seems only like a blind stagger toward accomplishing its purpose, was probably proposed as a means of agitation rather than as a practical measure of legislation that he expected to carry to a conclusion. On December 6, 1864, he introduced a bill to prevent gold and silver coin and bullion from being paid or exchanged for a greater value than their real current value, and from preventing any note or bill issued by the United States and made lawful money from being received for a smaller sum than is therein specified. The bill provided that a contract made payable in coin might be paid in legal tender United States notes and that no difference in sale or value should be allowed between them; that "no person shall by any device, shift or contrivance, receive or pay or contract to receive or pay" any treasury note for "less than its lawfully expressed value"; and that if "any person shall in the purchase or sale of gold or silver agree to receive in payment notes at less than their par value, he shall be deemed to have of-

fended against the provisions of this act and shall be punished accordingly."

This may serve to indicate Stevens' eagerness to break up "gold gambling." It was generally believed that gold fluctuations were due to "unpatriotic and criminal efforts of speculators and probably of secret enemies to raise the price of gold regardless of the injury inflicted on the country, and that 'gold gamblers' ¹ as a class were disloyal men in sympathy with the South."² The short lived "gold bill" of the previous summer ³ had been passed at the suggestion of Secretary Chase for the purpose of preventing this speculation. It was futile, as this similar proposal now reported by Stevens was sure to be. The operation of such a law would have been a pestiferous, not to say tyrannical and intolerable, interference with all business dealing and contracts. It is hard to say what chaos would have resulted. Of course, as a means of reducing or controlling the price of gold, or of boosting the greenback, this was purely an artificial process and was entirely vain. It is difficult to believe that Stevens did not perceive this. He did not press his proposal, though he used it as an occasion for a little salutary education. Stevens' better course would have been to pursue the consistent policy of urging the repeal of the "exception clause" in the greenback acts. This would have produced some effect, and Stevens could then, at any rate, have resigned himself

¹ Book of Drew, Ind., Dec. 2.

² Senatorial Opinion, cited by Dewey, p. 295.

³ June 17, 1864.

and his country to allowing gold to take care of itself and go where it would.

It was not difficult for the opponents of this proposal to expose its weakness. Blaine attacked it as impossible and said that if it should become a law the entire population of the Pacific Coast would be liable to indictment and conviction for a criminal offense,—for believing and acting on the belief, as they did, that a gold dollar was worth more than a paper one. It certainly was worth more, partly by act and favor of government. Stevens indulged in some satire against Blaine,—as to his “intuitive way of getting at great national questions.” For himself he confessed he did not know how far his bill was practicable, or how far it should be modified, but he was sure there should be some law to prevent gold gambling, by which it is put at two and a half times its value,—a system that is making every man who eats food pay three prices for it. These gamblers would take advantage of anything to put up the price of gold. He would not say that this legislation would reach it, but he claimed that it was just such legislation that England had used in her great wars with Napoleon and had found beneficial.

On February 28, 1865, while another loan bill was pending, Stevens spoke at length. He reviewed the currency and loan history of the war and called attention to his repeated efforts to change the financial system that had been adopted and to inaugurate a new one which would have reduced the price of gold and the price of every article of living and all munitions of war. He now intended to make one more effort to bring about a change. He had entertained high hopes

of success until, as he said, "I saw operating here certain influences which I regretted to observe. . . . Last year we were successful until the Secretary of the Treasury came here and sat behind us, when our action was reversed."¹ He was shocked at the proposal of Boutwell in favor of continuing to pay in gold all our obligations to the end of the war. Perseverance in this policy must lead to disaster which should have been foreseen before we entered upon a system so palpably unwise. This policy will bring us in interest payments and other expenses, with gold selling at three to one, to an annual burden of \$900,000,000 to be raised by taxation. "No young nation has ever borne such a tax. In my judgment the people would not and could not bear it. I would not be understood that this country would under any circumstances repudiate her debt, but she would be driven to suspend payment of interest for a while and that would be a disgrace not to be contemplated." If we had made the legal tender notes receivable for customs and had made our interest payable in such lawful money, we could have sold our loans at par and have maintained our notes on an equality with gold. Instead, what have we done? We have given a hundred-dollar gold bond for one hundred dollars in *currency*. That hundred dollars in currency can be bought, no doubt was bought, for forty dollars in gold, and we instantly began paying one hundred dollars in coin for it; for when we pay the interest in gold and the principal when due, it is all gold from the beginning. So under this wise system we have actually been selling our bonds at

¹ *Globe*, Vol. 68, p. 1202.

sixty per cent. discount. Nor have we the merit of using a currency which would keep down prices. We have used only the currency which we ourselves have decried and depreciated. He pleaded that the government should no longer discriminate between classes of creditors, or declare that one form of its money was better than another and by legislation depreciate its own money. If Congress had declared that gold should not be legal tender and should not be received for duties nor paid in interest, but that United States notes and silver should be, gold would have depreciated below either of the others. But Congress created an absolute necessity for gold in proportion to the increasing amount of our debt and made it alone receivable for duties, thus declaring all other money inferior to it.

Our duties last year were one hundred millions. The holders of gold knew that at least twenty-five millions must be had each quarter, no matter what it cost. The average amount in New York, outside the banks required to keep a reserve, was just about twenty-five millions. Whoever possessed that could compel the merchants to pay whatever price their consciences would permit them to ask. A few men could monopolize the whole of it. The struggle for such a monopoly would raise the price; the buyers of gold would indemnify themselves by exhorting from the merchants, who in their business receive only United States notes and currency. They were therefore at the mercy of the speculators,—a class of men the most worthless in the community,—men who consume the fruits of the earth but produce nothing.

Congress made this gold, when no longer money nor a circulating medium, the standard of value. Every article came to be measured by the price of bullion, the extorted unnatural price paid by the merchants. Everything purchased by rich or poor, by individuals or government, went up in price. Theorists have attributed this to our inflated currency. If this were so prices would not fluctuate with the fluctuations in the gold market, for the volume of currency does not thus vary. The merchant holds his goods higher or lower as the price of gold rises or falls. He marks and re-marks them according to the thermometer of the Israelites in the gold room, not according to the contraction or expansion of the currency.

Stevens did not by this intend to deny that undue expansion would raise prices, and that prices fall at contraction. He recognized that this would happen no matter whether the currency is in coin or paper. He understood and accepted the quantitative theory of money. But he held that the currency was never inflated so long as there is no more than is necessary for the business of the country; the proper quantity would depend on the business demands. He contended that the currency of the country was not swollen beyond the necessary amount, since the country required in 1865 double the amount required before the war.

It had been said that if all our loans had been made for "lawful money,"—such money being received for public dues and paid for interest—the loans would never have been taken abroad. "That to me,"

said Stevens, "would have been a merit. The annual net earnings of this country would have been sufficient to absorb all our loans and pay all the expenses of the war. Now what is sold abroad is sold at forty dollars on the hundred and we immediately pay one hundred in coin for it as interest, and we must ultimately pay one hundred in principal for every forty dollars when specie payments are resumed. What an immense sacrifice to a foolish theory!"¹ On account of his financial policy Stevens was opposed and denounced, as a matter of course, by those who represented the moneyed interests and the financial centers. The Wall Street operators did not like him. "We recollect," says Mr. Forney, "how he made the dry bones of Wall Street brokers rattle last winter and the winter before."² This Wall Street opposition does not prove that Stevens' course was the one for the intelligent patriot to follow, though it may lend favor to that view. Neither, on the other hand, does the fact that the "expert financiers" were all against him prove that Stevens was either incompetent or dishonest in his dealing with the problems of national finance. Too much is taken for granted by the orthodox on questions of money. A fair review of the whole discussion will show that Stevens' course was sincere and straightforward, and that he applied his great ability and intelligence in favor of a policy calculated to preserve the honor of the nation and promote the interest of the common people.

¹ Speech, Feb. 28, 1865, *Cong. Globe*, Vol. 68, p. 1202.

² *Philadelphia Press*, Sept. 12, 1865.

CHAPTER XXII

THE GREENBACKER; FUNDING, DEBT PAYMENT AND CONTRACTION (*continued*)

IN view of this clear, positive, and persistent record on the subject of finance, however mistaken his adversaries may have considered it, it is not surprising that Stevens' ire was stirred when his name was used and his words quoted to give support to the policy of forced contraction and the immediate funding of all the government's paper obligations into gold bonds. That, almost as much as the defense of "Andy Johnsonism," drew the fire of his indignant wrath.

Secretary McCulloch's annual report of November 30, 1867, decried the greenbacks and urged their retirement. By no means should they be used to decrease the national debt. The Secretary made an argument for paying all the paper and bonded obligations of the government in gold,—“according to the understanding when the subscriptions were solicited and obtained.” “Can there be any question,” he asked, “in regard to the nature of this understanding?” The seven-thirty notes, more than eight hundred millions of them, were clearly by the terms of their issue payable in greenbacks. But they might also be converted into bonds. If they were converted into bonds, Sec-

retary McCulloch insisted that the bonds, principal as well as interest, were to be paid in coin. "Was not this," he asked, "the understanding of the Congress that passed the loan bills and of the people who furnished the money? Did any member of the House or of the Senate, prior to 1864, in the discussions of these bills, ever intimate that the bonds to be issued might be paid when redeemable in a depreciated currency? Was there a single subscriber to the fifty-two bonds, or to the seven and three-tenths notes (which by their terms were convertible into bonds), who did not believe, and who was not given to understand by the agents of the government, that both principal and interest were payable in coin? Would the self-sacrificing people of the United States, even to sustain the government in war, have sold their stocks, their lands, the products of their farms, factories and shops, and have invested the proceeds in these government funds if they had understood that the bonds were to be redeemed after five years in a currency of whose value they could form no reliable estimate?"

Would Congress or the treasury, "when the fate of the nation was trembling in the balance, and when a failure to raise money for the support of the Federal army would have been success to the Rebellion and ruin to the Union cause, have dared to attempt the experiment of raising money on bonds redeemable — in a currency whose value might not depend on the solvency of the government, but upon the amount in circulation? The bonds were negotiated with the definite understanding that they were pay-

able in coin. The contracts were made in good faith on both sides, a part of them when the government was in imminent peril. Good faith and public honor, which to a nation are of priceless worth, require that these contracts should be complied with in the spirit in which they were made.”¹

It was urged by the Secretary that when the five-twenties were authorized it was specifically promised that only \$150,000,000 of the greenbacks would be issued. How unfair it would now be to pay bonds in these notes after so many more were issued and they had thereby become so depreciated.

By such arguments the Secretary urged his policy of quick contraction and immediate resumption. There seems to be an intimation here that it might have been honest to pay in greenbacks if so many had not been issued. The fact that only a limited amount were to be issued, and for a short time, sufficiently explains, as Mr. McCulloch contended, why it was not deemed necessary to state that these greenback notes would not be used to pay the *principal* of the bonds. “It is not supposable,” said Mr. McCulloch, “that Congress intended to provide for funding the floating debt in bonds which might, in five years, be called in and paid in the very notes which, with the other treasury notes, were thus to be funded.”

The Secretary entirely neglected the maxim of law that “exceptions strengthen the force of a law in cases not excepted.” An exception was made as to the use of these notes in paying customs dues and government interest. This clearly meant that they

¹ McCulloch's Report, Nov. 30, 1867.

were not to be excepted in any other respect, not even the payment of bond principal. Clearly there was no law requiring the payment of the five-twenty bonds in gold. No lawyer of repute, except in a brief for a client, would have staked his reputation by asserting that such payment was legally required. The legal advisers of the Rothschilds and the Frankfort bankers and other foreign bond-dealers clearly understood this at the time, as indicated by the low price bid for our bonds.

Nor is it at all clear that the *understanding* of the five-twenty loan was as Secretary McCulloch stated it. What Jay Cooke may have said while acting as a selling agent for the government; what an assistant secretary of the Treasurer may have said to the effect that it had always been the policy of the United States to pay gold and he presumed it would continue so to be; what Horace Greeley may have said in the *Tribune*; or what certain members of Congress may have said while the Loan Act was pending in discussion,—none of these things nor all of them together could determine even the *understanding* of the loan — since there were also contrary understandings and opinions. Much less could they determine the scope and operation of the act itself. The *law* determined that, and what the law was in the case Stevens' legal mind perceived with perfect honesty and accuracy. But by the policy of Secretary McCulloch and of those so greatly interested in the treasury management, whatever the intention and understanding were, no matter at what price or with what kind of money the five-twenty bonds had been bought,

they should be paid in coin, and that coin obligation should be assumed and announced immediately.

This policy, which Stevens abhorred, and which was so clearly in the interest of those who held the government funds and against the interest of the tax-paying people, was supported by Secretary McCulloch in an unfair and partisan way with quotations from Stevens himself. "Where could a miser invest his money?" Stevens had asked. He answered his own question: "In United States loans at six per cent., redeemable in gold in twenty years, — the best and most valuable permanent investment that could be desired." Again, he had said, "I pity no one who has money invested in the United States bonds payable in gold in twenty years, with interest semi-annually."

These words, uttered in the debate on the original Greenback Act in February, 1862, were now appropriated by Stevens' opponents to sustain the policy of gold payments. They were quoted in the House by General Garfield to weaken Stevens' position in favor of bond payment in lawful money. Garfield sought to convict Stevens of promising gold payment, or security, on these bonds immediately, asserting that nothing else had been originally thought of.¹ Stevens denounced this application of his words as "a total perversion of the truth." "It would not be too harsh," he said, "to call it an absolute falsehood. I do not know that I should have taken any notice of what the papers were repeating, some of them half rebel, some half secession, and more of them, I suppose, in the

¹ *Globe*, July 23, 1868, pp. 4370 ff.

pay of the bondholders. I am too feeble now to explain this whole matter, but I shall take occasion hereafter to expose the villainy of those who charge me with having said on the passing of the five-twenty bill that its bonds were payable in coin. The whole debate from which they quote and all my remarks which they have cited were made on an entirely different bill. I spoke only of the payment of gold after twenty years, as no one doubted the resumption of specie payments."

The gold question, as brought into issue between the Secretary of the Treasury and the country in 1866 and 1867, had not arisen when Stevens made the speech now quoted to embarrass him. It was in this case as it was in those to which reference is made in a preceding chapter,—Stevens' words on one proposal were used as if they were uttered on an entirely different proposal. He was right in denouncing this practise as a downright perversion of his ideas and his record upon this financial legislation. He cautioned the public against putting faith "in the fabrications of demagogues and usurers"¹ and, at a moment when he was not permitted to reply to Garfield's use of McCulloch's words, he promised that when the proper time came he would "show that there is not a word of truth in what either of them says."²

So far as the record shows these were the last words that Stevens ever uttered in the House. The "proper time" when he would have shown the falsity

¹ *Globe*, July 22, 1868.

² *Globe*, July 23, 1868.

of the charge against him in his own invincible way never came. The feebleness to which he referred had laid its final hold upon him and in less than three weeks he was dead.¹ He did not have the strength to make good his promise, but his record is his sufficient vindication. Garfield had said, no doubt without the least intention to accuse falsely, that, so far as he could learn, the first word ever spoken in Congress suggesting the possibility of paying the five-twenty bonds in anything but coin had been used by Stevens in the discussions on the Loan Act of 1863. This was a year after his utterance on the first Legal Tender Act that, as McCulloch would have the public believe, indicated Stevens' assurance that the bonds were to be paid in coin. The words were the words of Stevens but the application that was now made of them was misleading. They had not been uttered on any such issue as was now presented. It was but a play of politics in favor of a policy that certain financial leaders and their political supporters were seeking to carry to a conclusion. The record clearly shows that Stevens was then speaking (February, 1862) in favor of notes and bonds issued under a policy and for a length of time, as he thought, that would have brought, if they did not constantly keep, both notes and bonds at a par with specie. Then it would be a matter of indifference whether specie were paid or not. Another policy was adopted,—a policy that had as its result, if not as its object, the depreciation of the greenback notes that bonds might be bought with them and then the appreciation of the bonds by

¹ He died on August 11, 1868.

their being funded into gold securities. The result of this policy Stevens foresaw and foretold, and his face was ever set against it in stout and unbending opposition. What manner of fairness is there in using the words that he had uttered in favor of his own policy as if they supported any part of an opposite policy that he had always reprobated and condemned?

Stevens was on record in too many instances on the subject of paying government bonds in greenbacks where the law and the contract permitted, to leave any one in doubt either as to his policy or consistency.

While the Loan Act of 1863 was under discussion Stevens insisted that the principal of its proposed ten-forty bonds was payable in lawful money unless coin were specified. He insisted that the people should be allowed to know exactly in what kind of money these obligations would be paid. He offered an amendment specifying coin, both for the long time bonds and for the short time treasury notes that were to be issued. "If the amendment be voted down," he said, "the people will see that they will be payable in whatever at the time is lawful money." Morrill, of Vermont, accused him of wishing to put the bill into such a shape that it would not pass the House. His amendment was voted down, whereupon Stevens remarked, "It is evident that these bonds are to be paid in shin-plasters." Later, the long time bonds, the ten-forties of 1863, were made payable in coin, but the three-year treasury notes were redeemable in "lawful money." They were "a kind of indebted-

ness that was to be held by the people,"¹ with interest as an inducement to keep them from circulating,—a gold interest which the banks would get as fast as it accumulated.

This was the discriminating policy that Stevens was always trying to prevent. His interpretation of the law led the bond-dealers to see to it that "coin" was put into the contract for the new long time bonds.

Again, in discussing the Loan Bill of 1866, addressing himself to the first report of Secretary McCulloch, he denounced as "most extraordinary" the recommendation that the five-twenties be paid in coin. "For whose benefit was this? For that of European capitalists. Those men holding now \$600,000,000 will have 30 per cent. added to the value of their bonds by a single act of legislation. These bonds were purchased by European capitalists when gold was at 250,—at 60 per cent. discount. If now made payable in gold they will obtain \$100 for every \$40 paid out. The idea that the nation is to be benefited by such a proceeding is beyond my comprehension. Doubtless, if I had my pocket full of five-twenties I could realize the propriety of making both interest and principal payable in gold after it had been understood for five years that that principal should be payable in currency. If there is wisdom in the project I confess that to my poor intellect it is inscrutable and past finding out."²

He denounced the contraction provided for in the

¹ Morrill, of Vermont, Jan. 22, 1863, *Globe*, p. 454.

² *Globe*, March 16, 1866.

Loan Act of 1866, an act that gave such unlimited power over the currency to the Secretary of the Treasury, whose policy Stevens constantly deprecated. "Was ever such discretion confided to a single man, —to borrow wherever he pleases, at any rate he pleases? Wise men would never confer such power on the ablest and purest man that ever lived."¹

After such a record was it surprising that Stevens suffered some vexation of spirit when his words were perverted by a high official of the treasury, in support of a policy which he had so constantly condemned? The depth of his feeling upon this subject is shown by his oft-quoted utterance in the House during the last session that he ever attended. It was in July, 1868, after the presidential nominations had been made and the party platforms adopted. It is well known with what vigor and intensity Stevens hated the Democratic party. That party's candidate for Vice-President in 1868, Mr. Frank P. Blair, of Missouri, was especially distasteful to Stevens, partly for personal reasons, partly on account of the revolutionary policy that Blair had proposed for the undoing of the congressional work in reconstruction.² When Stevens heard it suggested in the House that certain loans were payable only in gold, he broke in boldly with his well-known declaration: "After they fall due they are payable in money, just as the gentleman understands money, just as I understand it, just as we all understood it when we passed the law authorizing that loan; just as it was a dozen times

¹ March 16, 1866, *Globe*.

² See Blair's Brodhead Letter.

explained upon the floor by the chairman of the Committee on Ways and Means when called upon by gentlemen to explain what it meant, and just as the whole House agreed that it meant. I want to say that if I knew that any party in this country would go for paying in coin that which is payable in money, thus enhancing it one-half; if I knew there was such a determination this day on the part of my party, I would vote for the other side, Frank Blair and all. I would vote for no such swindle upon the taxpayers of this country; I would vote for no such speculation in favor of the large bondholders, the millionaires who took advantage of our folly in granting them coin payment of interest. And I declare — well, it is hard to say it — but if even Frank Blair stood upon the platform of paying the bonds according to the contract, and the Republican candidates stood upon the platform of paying bloated speculators twice the amount which we agreed to pay them, then I would vote for Frank Blair, even if a worse man than Seymour headed the ticket. That is all I want to say.”¹

This expression, indicating that Stevens might support the Democratic party in the campaign, caused his Republican followers some annoyance. It met with criticism and dissent among many of his loyal supporters at home. On July 23, 1868, Stevens wrote to the *Lancaster Express* saying that he “had not declared for Seymour and Blair and never expected to. I have only declared,” he said, “against fools and swindlers who have fabricated the most atrocious falsehoods as to my position on the currency ques-

¹ *Globe*, July 17, 1868, p. 4178.

tion." He promised when he was a little stronger to give "a full history of the matter."¹ The editor expressed the hope that when he got strong enough to write the "history" referred to he would "avoid the distinguishing characteristic of his letter," since calling his opponents by such endearing terms as "fools and swindlers" furnished no evidence "either of his own wisdom or of the strength of his position."

The "history," as we know, could never be prepared. But a few days later, July 30, 1868, Stevens seemed relieved to be able to write to his home paper that the gold question was settled by "the compromise funding bill" of Senator Sherman. He admitted that the vexed question of what kind of currency the five-twenties were payable in, had been discussed in an unbecoming temper and style, so far as he was concerned. The settlement now arrived at provided for bonds equal in amount to the five-twenties with interest at four per cent. payable in coin after thirty and forty years. This reduced the national loan to uniformity, informed every bondholder what and how much he is to receive, and showed, as Stevens had contended, that "there was a difference in value between the original five-twenties and what they would be if payable in coin."

The fact that Stevens, while descending to his grave, seemed relieved to accept this so-called compromise, which was but a meager concession to his contention, should not be taken to indicate that he had in the least lost faith in the rightfulness of the cause for which he had been contending. The gold-paying

¹ *Lancaster Express*, July 25, 1868.

policy and the rejection of the greenback, which he had denounced so vigorously, was but part of a system,—a system of dishonored and mutilated national notes and of gold interest,—which, as we have seen, Stevens had opposed with all his might from the beginning. His opposition here should be considered as a part of his opposition to the system as a whole,—that war system of finance, the like of which as he said, “no human folly had ever before witnessed.”

This system or policy he brought into public review by an open letter to an old German constituent, John Gyger, a banker friend in Lancaster. Gyger wrote a letter to Stevens which the latter prompted, if he did not compose, and Stevens answered the letter. Stevens thus made for himself an opportunity to discuss the money question.

He apparently wrote with deep feeling and conviction, as one would who had been the witness and antagonist of a great wrong and injustice that had been cunningly wrought upon an unsuspecting people. “Would to God,” he said, “that my intellectual vigor might increase in proportion to my disease that I might properly depict this important subject to the American people.”

The appeal to commercial integrity and national honor in support of this “monstrous swindle on the part of European capitalists” excited his contempt and spirit of satire. “Who are these reasoners,” he asked, “who talk so learnedly of the laws of finance and the morality of human dealings, whose consciences are so raw and stick out so far from their

excited covering that no pharmacist can heal their inward wound?" The plain truth was as Stevens saw it, this system that had been instituted by the bullion dealers was but "a gambling game in the two unequal legal tender moneys." "Hopes were excited much more rampant than the lottery dealers or the faro players; and in the belief that a single turn of the cards would bring up the holder's fortune, palaces were opened for the purpose of inviting speculation and dealings in this new system of gambling. Some became rich while others went to beggary. Everything became excited and inflated, from the commonest fabric to the most valuable estate. Thus the cost of the war was vastly increased, but the honest Jews of the gold room, Shadrach, Meshach, and Abednego, came out unsinged."

Stevens said he would not begrudge the poor speculator or the rich capitalist his earning who has entered the gold room a beggar and come out with a princely fortune. That is not his folly, but the folly of the government which "though a hundred times warned would never take heed."

He believed that this gambling of the "gold room" was directly promoted by the policy of establishing two kinds of money and making gold a favored kind. "The government's gold sales" were used to help on the speculative tendency, and in some instances, as Stevens believed, the treasury seemed to be controlled in the interests of the gold brokers.¹

¹ Stevens had reasons for these suspicions and he was not without knowledge on gold manipulations. In 1866 the government offered gold for sale by Van Dyck, the assistant treasurer, through one Myers, a broker, between whom and the

The seven-thirty notes of 1861, issued when we had no other currency than gold, were paid in greenbacks in 1864; the gold-paying public creditor for the gold he had paid to the government was obliged either to take his pay in greenbacks for commercial use or take them and convert them into bonds. That whole loan was thus redeemed. These were short time, little creditors, among the common people, the "hand to mouth men," who had made a temporary loan of their good gold to save the government. The big gold brokers had no compunctions about cheating *them*, but the heavy long bond creditors you must not cheat; you must let them cheat you.¹ The loans were to be

Secretary of the Treasury there was a family connection; and it was charged that Myers owed his appointment as selling agent of the government entirely to this family relationship. Myers and another broker played into each other's hands, the treasury, through Myers, selling gold till the price came down from 140 to 124, Myers' partner buying heavily at the lower figures. The partner then held his accumulations till the price went up to 144, the merchants who needed the gold for customs dues being compelled to go to those who had it. Thousands of dollars changed hands. It was a plain case of Wall Street thimble-rigging, and the treasury officials were suspiciously close to the deal. A Philadelphia merchant complained of these processes in a letter to Stevens and Thomas J. Stewart, of New York, repeatedly wrote to him of them, urging public exposure. The favored brokers knew when the treasury would offer gold and depress the price. Stewart said that "the treasury of the United States in this city has been used by Van Dyck, Myers, and their secret association as an enormous fund in their gold speculating. Millions have been made and will continue to be made unless a vote of censure is passed by Congress." The result was a resolution offered in the House calling on Secretary McCulloch for an explanation. Stewart expressed the hope that Stevens would recover his health and "stand on the quarter-deck of the House while this battle rages." Men believed that God had given to Thaddeus Stevens a heart of honesty and a tongue with a hot vocabulary for just fights as these abuses called for. Stevens' Correspondence, 1866. See *New York Journal of Commerce*, June 7, 1866.

¹ This is adapted as expressing Stevens' view from a speech of B. F. Butler, Nov. 26, 27, 1867, *Globe*, Appendix, p. 29, 1st Sess., Fortieth Cong.

paid in coin only when they had been contracted for in large job lots for rich capitalists or foreign holders, and when they had been bought with cheap depreciated money,—a money that had been made cheap by the very policy of these gold dealers.

The claim had been set up that these bonds were payable in gold because Stevens had not said when the act was passed that the principal was payable in currency. Stevens retorted that he had not said so because he did not suppose that anybody but a fool would think they were not payable in currency. The “old man sarcastic,” as Ben Butler called him, was generally able to take care of himself in these congressional bouts.

When in 1862 the legal tender measure was forced by necessity, “no one, I suppose,” said Stevens, “doubted that the loans of the United States of every description were payable in money of the United States of every description. But to change that aspect the New York money changers appeared, Jew and Gentile, mingling in sweet communion, to discover some cunning invention to make in a day what it would take weeks for honest men to earn. They went to the Ways and Means Committee and asked that the interest be payable in coin, leaving the principal as it was. The committee utterly rejected the absurd proposition of two currencies—two legal tenders—in the same empire and for the same commodities. The brokers then resorted to the Secretary of the Treasury. He was more easily persuaded and went with them to the Senate Committee to urge the change. The Senate agreed and sent back the bill

so amended. The House disagreed, but in conference was forced to consent to make the interest payable in a different kind of currency than the loan itself. To get the coin customs dues were made payable in that. Thus as any one can see, the Congress declared that while she created two kinds of money, she had made them of unequal value and for different purposes."

Stevens had once made a calculation to ascertain the difference between the two modes of paying, and he had brought in bills in hope of saving the difference. "But each session the noise of the gold room was much louder than what I was pleased to call the voice of reason. Take \$100 and count it into greenbacks, when gold was high. It will produce \$281. So convert or use it every day for a year and you have \$66,000,—the gold-bearers costing the government that much more than the legal tenders. The gold exchange on the basis of the daily cost of the war cost the government \$1,600,000,000 more than the straight use of the greenbacks would have done."

He believed that the present and prospective business of the country would fairly absorb an amount of currency large enough to redeem these bonds as they became due, say \$4,000,000 monthly, so as imperceptibly to affect the currency. Business men were complaining that the retiring of \$4,000,000 of currency without a substitute causes a stringency in the money market very injurious to business. The additional issue of that amount would be better and would be taken up without injuring business by undue expansion.

Stevens denied that he wished to delay specie payments, and he claimed to believe, with everybody else, that that was a desirable end to be attained as soon as possible. His notion about resumption was that the sooner the government converts all its indebtedness into a paper currency which the people will be willing to accept as a long loan and to a considerable amount, the sooner it would be able to resume specie payments. If the end could ever have been accomplished in this way, the course would certainly have been a longer way round though it might have been easier. Herein lay Stevens' error and inconsistency, as a Greenbacker. His true course lay, as he hardly seemed to perceive, in disregarding specie payments altogether, and in looking upon the use of gold and silver in the currency as altogether unnecessary and incidental, as something that might come in time by the natural order of trade and development, but about which there need be no concern. He claimed anxiety to resume the use of coin as a legal tender not because it is any better as a measure of value or as a token of debt, but because it had been adopted by most of the other civilized nations. "But I do not wish," he said, "to resume by breaking the bones of every manufacturer, mechanic, and agriculturist for the benefit of foreign operators who have now their fixed capital in these loans."

To pay these loans according to the contract would have saved, according to Stevens' calculation, \$737,000,000. That is about the sum which, as alleged, the greenbacks had added to the cost of the war.

“But tender consciences have compelled the nation to pay this debt in coin because Jay Cooke and the *Tribune* have pledged their word that it should be so paid. I have no objection to their paying it, but I dislike to take the balance left me by the rebels to pay my part.”

How does the case appear to a plain honest man, — to the farmer or laborer who earns an honest living by the sweat of his brow? Is his conscience violated, his elemental sense of justice outraged by an honest payment according to the contract? Here is the case as Stevens illustrated it: A capitalist takes \$400 in gold. It buys \$1000 in bonds by first buying \$1000 in greenbacks. At the next yearly interest payment he gets 6 per cent. in gold on \$1000. That is 15 per cent. above taxes on his investment. He continues to draw at that rate while the debt runs. He now demands that the principal also be paid in gold, which would net 250 per cent. more on the investment. “This is what they call honor, conscience, justice, through the custom of the country, and they tell the farmers of America that they are in honor bound to pay the money dealers of Europe this enormous rate to save their property from destruction; and the moral (?) men of New York denounce you and me and others as dishonorable robbers and swindlers if we do not in forty years quadruple the capital of the Rothschilds, Goldsmiths, and other large money dealers. I must beg leave to judge for myself of this monstrous proposition and to see whether I am in honor bound to pay any more than he demands who,

with pistol at my breast, commands me to stand and deliver." ¹

Such are the merits of the issue on funding and paying the war debt as Stevens brought them into review a few months before his death.

The capitalistic press denounced the policy advocated by Stevens as a "greenback confiscation," as "a wholesale act of repudiation," and as "a breach of faith toward a class, the bankers and money lenders, who gave most noble succor to the nation in her hour of trial," as one of the clerical teachers of financial honor saw fit to express it.² The New York press generally referred to Stevens' views as "eccentric." But Stevens' "eccentric" views consisted merely in constant opposition to the financial policy pursued by the government for six full years, and in a belief that by that policy the government had thrown away millions by mismanagement, and that those who loaned money to the government were paid back two or three times over what they were justly entitled to. A fair perusal of the record is likely to lead the unbiased layman, if not the "professional financier," to Stevens' conclusion. The system of greenbacks and gold payments adopted from 1862 to

¹ Open Letter of Stevens to John Gyger, Banker, Nov. 4, 1867, in *Cincinnati Commercial*, Nov. 12, 1867.

² "Repudiation," "cheating," "dishonor," "destroying the national credit," were the cheap terms of abuse employed against those who opposed the gold-bond, specie-paying policy. Of course, Stevens did not escape these flings. "But, if in all this broad land," said Mr. Forney, who knew Stevens well, "there is a man who hates repudiation more than Thaddeus Stevens we do not know him. There was a time in Pennsylvania when he fought against that crime and crushed it with his Titanic blows." *Philadelphia Press*, Sept. 12, 1865.

1869 richly deserved Stevens' "oft defeated" efforts in resistance as well as his "oft-repeated" denunciations. For one may well doubt whether there was ever a more outrageous fleecing and robbery of a patriotic people than that perpetrated through the influence of capitalists and money lenders by the manipulation of government finance during and immediately following the American Civil War.

The shrewd and the unscrupulous rich are ever seeking to use the government and control the laws for the exploitation of the masses. The cunning hand was at work while true men were at the front in the dark and trying days of the Civil War. While the homes of the nation were anxiously watching the fortunes of war; while the mass of the people, in patriotic ardor, were seeking to safeguard the welfare of the Union, there were selfish and unscrupulous men who seized upon the situation merely for the base purpose of making money out of the necessities of the country. To gain *cent per cent.* was the only call which the war and the state of the country presented to them. The Old Commoner despised such men, and they knew full well that they could not use him for their purposes. He withstood them to their face. Their course, then, was to break him down, to destroy the weight of his influence and opinions with the country. Untrained as he was for this special problem; worried by the distractions of a thousand public cares in many directions; opposed as he was by the organs of traditional and orthodox opinion on questions of money, it is surprising that he put up as

strong a fight as he did on the financial issues that he was forced to meet.

He was defeated in the policies that he sought to have adopted. But the ideas that he accepted and promulgated were not destined to disappear. The struggle that he had upon these questions and the opposition that he encountered led him to take a radical and an advanced position on the subject of money. He went to the root of the question, as his radical mind and temper led him to do, and he announced principles of money utterly subversive of the gold standard and the moneyed interest. He came to believe in a uniform national currency, issued as bills of credit by the general government alone. "Money is the creature of law," he said, "just what the law makes it." He had come to the faith that the government has the constitutional power to make money of whatever material it chooses, whether metal, paper, leather, tin, nickel, greenbacks, or old bones. The material does not matter, except for convenience. It is quantity and use that count. If money be too abundant or too scarce it is of no consequence whether it be coin or paper. One thousand million too much of gold is just as injurious in inflating prices as one thousand million too much of greenbacks. And he desired that the volume of money be regulated by a sovereign representative government in the interests of the toilers and producers and not by combinations of capitalists controlling the gold of the world in the interests of moneyed classes.

These views of money have been accepted by millions of his countrymen since the day when Stevens

contended for them without much public support. If it be said that experience has not vindicated them, it may be answered that in many respects they have been vindicated and that Time, the unceasing worker, has not yet wrought out all the causes and issues on that subject which are in store. By the "experts" and "financiers" the doctrines of Stevens have been ridiculed as the vagaries of foolishness. But in the light of fifty years of controversy on questions of finance, it is not unreasonable to say that the final word of wisdom on money and its uses may be found to be much nearer to the ideas of Stevens, the Greenbacker, than his hostile critics ever conceived it possible to believe.

CHAPTER XXIII

CLOSING DAYS AND CHARACTERISTICS

AFTER Stevens' last formal speech on impeachment his words in the House were confined to brief colloquy while he was suffering under weakness of body.¹

Two days later in July, 1868, he offered from the Committee on Education in the District of Columbia a bill to establish free schools for the District. It was the last measure he ever offered in the House,—a fitting final act of his career, as the first cause that had brought great honor to his name was the cause of free education. He would have no child in the republic grow up in ignorance. This education of the children for citizenship should not be only the concern of the church and of private beneficence but it should be the highest and constant concern of the state; and not of the commonwealth alone, but of the nation at large, in every case wherein the power to care for this great cause had been bestowed.

Thaddeus Stevens died in Washington City at twelve o'clock midnight, August 11, 1868, aged seventy-six years, four months and seven days. The closing scenes of his life were of an impressive character. His nephew, Thaddeus Stevens Jr., and Mrs. Lydia Smith, his colored housekeeper, were at his

¹ See p. 505.

bedside, also Sister Loretta and Sister Genevieve, colored sisters of charity of the Providence Hospital, who had been visiting him daily in his illness and whose benevolent and charitable work had been so heartily supported by Stevens in personal and legislative efforts.¹

On the afternoon of his death he talked with cheerfulness and animation. The doctor had changed his medicine and Stevens, noticing the change, remarked, "Well, this is a square fight," and his face lightened up with a grim smile of mingled humor and determination. He commented on Seward's purchase of Alaska saying that it was "the biggest thing in his life," and if he could have purchased Samana it would have been "the crowning event of his whole career." He remarked to a relative, Simon Stevens, "Simon, the great questions of the day are reconstruction, the finances, and the railway system of the country." He seemed somewhat anxious about the state of the country because of indication of trouble in Louisiana. He referred with kindness and confidence to William M. Evarts whom he called "a sound lawyer and statesman," who would "so advise the President as to make unnecessary a meeting of Congress in September," which Stevens was anxious to avoid. At seven o'clock two colored ministers, Reverend Mr. Hall and Reverend Mr. Reed, arrived and requested permission to see Mr. Stevens and pray with him. When asked if they should do so he said, "Oh,

¹ Mr. Stevens had secured a special congressional appropriation of thirty thousand dollars for this institution, in spite of great opposition. It was a Washington charity for negroes.

yes." As they approached his bedside he looked toward them, nodded his head and smiled. Reverend Mr. Hall said, "Mr. Stevens, you have the prayers of all the colored people of the country." About ten minutes before his death Sister Loretta requested the permission of his friends to perform the baptismal rite, and no objection being offered, the impressive ceremony was performed amid reverential silence. Mrs. Smith, the colored housekeeper, knelt at the foot of the bed while the sisters, also kneeling, continued to read the prayers for the departing soul. The plaintive tones of the holy sisters, the repressed and troubled breathing of the dying man, mingled with the sobs of his nephew and of his faithful friend and housekeeper, Mrs. Smith, were indications of coming death. The annalist relates that "the clock struck twelve, and in three minutes he was dead. His last hour was one of tranquillity, and when death came he passed calmly and peacefully away as though falling into a sweet slumber."¹

The body lay in state in the rotunda of the Capitol for two days and was then taken to Lancaster by special train. At the tomb the Reverend Bishop Bigler of the Moravian church read the Ninetieth Psalm. Reverend E. H. Nevin of the Presbyterian church offered prayer. The services of the Lutheran church were read by Reverend W. V. Getwald, and Doctor Wombert delivered an address on the life and services of Stevens.

¹ *Lancaster Express*, August 12, 1868, and the current number of the *Philadelphia Press*.

The death of Stevens occurred four days before his expected renomination for Congress. Martin S. Fry, the chairman of the Republican County Committee, after consultation with party leaders, recommended that, "as a fitting tribute to the memory of our most able and distinguished champion of freedom and justice the unanimous vote of the party be cast for the name of Thaddeus Stevens in the ensuing primary meetings and that arrangements be made later for filling the vacancy." This was done as a last political tribute and testimonial of the confidence and esteem in which Thaddeus Stevens was held by his constituents and neighbors.

Among the papers in the court records of Lancaster County may be found the last will and testament of Thaddeus Stevens. Many of the items of the will are significant and characteristic. The biographer deciphered from the difficult handwriting of Stevens himself the following bequests:

"To the town of Peacham, Vermont, one thousand dollars at six per cent., in aid of the Library Association which was founded at the Caledonia County Academy,—if the same is still in existence.

"To the Trustees of the graveyard in which my mother and brother are buried in the town of Peacham, Vermont, five hundred dollars, the interest to be annually paid to the sexton on condition that he keep the graves in good order and plant roses and other cheerful flowers at each of the four corners of said graves every spring.

"If either of said legacies should lapse the same shall go to the support of the Baptist church, or meeting, nearest to Danville Center, my native town in Vermont."

To his housekeeper, Lydia Smith, he gave five hundred dollars a year for the rest of her life, or, if she chose instead, she might have a lump sum of five thousand dollars. She was permitted to occupy his house for five years.

To his nephew, Thaddeus W. Stevens, of Indianapolis, he gave two thousand dollars. He provided, also, that if at the end of any five years Thaddeus should show that he had totally abstained from all intoxicating drinks during that time, the trustees might convey to him one-fourth of the whole property; and if at the end of the next successive five-year period Thaddeus should show that he had totally abstained from all intoxicating drinks, he should have another fourth of the property, and, if he fulfilled the same condition for another five-year period, he was to have the whole property in fee simple.

Here was a lesson and an inducement to temperance for young Thaddeus, but he was not able to bear it. He was not able to qualify for his inheritance under the terms of the will, and, as in that case provided, the remaining aggregate property was to go "to erect, establish and endow a house of refuge for the relief of homeless orphans." The sum of twenty thousand dollars was to be expended in building, and the orphans were to be provided a home till they had reached the age of fifteen, and longer if they were infirm. They were to be educated carefully in the English branches and in all industrial pursuits. No preference was to be shown on account of race or color in admission or treatment, and no one should be excluded on account of the race or religion of his

parents, and all should be educated alike in the same classes, and fed at the same table.

In a separate codicil to his will Stevens provided that one thousand dollars be paid to Pennsylvania College, at Gettysburg, for the use of Stevens Hall. In another he said, "I bought John Shertz' property at sheriff's sale at much below its value. I only want my own. All except three hundred dollars, the proceeds of it and the interest, I direct shall be returned to the estate." In another codicil he provided that one thousand dollars be paid to the Baptist church in Lancaster for a new church building. "I do this," he said, "out of respect to the memory of my mother to whom I owe what little of prosperity I have had on earth, and which, small as it is, I desire emphatically to acknowledge."

The will is of interest since it reveals something of the character of Stevens and the interests and purposes of his life. It was more than twenty years before the estate was finally settled up by the administrators and then it was found that the proceeds and residue of the property amounted to about forty thousand dollars. This sum was supplemented by an appropriation by the state of Pennsylvania and was devoted to the establishment of *Stevens Institute*, an industrial school for poor boys and girls. Its worthy site and buildings in the suburbs are an ornament to the city of Lancaster. The work this school is doing and will continue to do will be a fitting memorial in the years to come to the commoner of Pennsylvania.

It would not seem at all fitting to close a biography of Thaddeus Stevens without some reference to the

anecdotes and stories that gathered about his life;—especially is this so since these anecdotes aid, in a way, in the revelation of his character.

The Stevens stories are innumerable,—perhaps about no other man in American history have more good stories been gathered. Colonel John W. Forney in his sketch of Stevens ¹ says that no justice can be done to the story side of his life, and that “if some congenial Boswell had been by his side there might have been collected a volume of his sayings.” It is to be regretted that a suitable and reliable collection was not made by a contemporary and friend competent to perform that task. Stevens’ wit was spontaneous, never studied nor artificial. His jokes sprang from the circumstance in which he found himself; none was ever lugged in for the sake of the joke itself. He was not a story teller, but he was strong in retort, in repartee, in quaint interrogatory. His fine sense of humor he carried with him in disease and affliction even to his death-bed. His friend John Hickman visited him in his last illness, and remarked how well he appeared. “Ah, John,” was Stevens’ quick reply, “it is not my appearance but my disappearance that troubles me.” When a House member was pacing the aisle, walking up and down and back and forth during his speech, Stevens, after watching the peripatetic performance for a while, called out to this member, “Mr. —— do you expect to collect mileage for that speech?”

Mr. Justin S. Morrill who served with Stevens for many years in the House says that “never, indeed, was

¹ Published in the *Philadelphia Press*, August, 1868.

wit of all varieties, coarse and fine, exhibited in more bewildering profusion. He daily wasted . . . in his distribution of mirth, sense, and satire . . . a capital sufficient, could it have been preserved, to rival almost any of the acknowledged masters among the colloquial wits of this or possibly of any age.”¹ Much of his wit was personal, too, frequently partaking of the gall of bitterness, but it was generally remarked even by those who suffered from his unerring shafts that no man was more ready to repair the injuries he inflicted. Once his vote was solicited at a general election in Lancaster by an impecunious and incompetent man who was a candidate for “Poor Commissioner.”

“Certainly,” said Stevens, in a most amiable way, “we should make you Poor Commissioner, for I know of no one in all Lancaster county who would make a poorer Commissioner than you.”

A judge in court, somewhat ruffled by Stevens’ evident disgust and subdued expressions of displeasure at some of the court’s rulings, intimated that Stevens, if he were not careful, might be arraigned for manifesting contempt of court. “Manifesting contempt, your Honor!” said Stevens. “Sir, I am doing my very best to conceal it.”

It was always a delight to the man, who despised a trimmer, and to his party adversaries who admired the bold and honest candor with which Stevens expressed his political opinions and programs, to listen to his frequent exposures of the pretenses, concealments, evasions, and the wavering weakness of some of his party associates. A notable instance was in his

¹ Senate Memorial Speeches, *Globe*, December 18, 1868.

proposing that messengers be sent to the lobby of the House to inform the weak-kneed Northern Whigs who had dodged the vote on the historic Fugitive Slave Law in 1850, that they might safely return to the hall now that the vote had been taken and the bill had passed. On one occasion a member who seemed to have no convictions on any question and who often confessed that he seldom investigated a subject without finding himself a neutral, asked for a leave of absence and a pair. "Mr. Speaker," said Stevens, "I do not rise to object, but to suggest that the honorable member need not ask this favor for he can easily pair off with himself."

He wished his party colleagues and his party to stand out boldly. In June, 1868, a few weeks before his death, he expressed his dissatisfaction with the platform of his party which had just been framed by his party convention for the contest of that memorable year. He called it "tame and cowardly" on the subject of the suffrage, which his party was unwilling to confer upon the negroes in the North. "For twenty years before the war," he wrote, "the North behaved like poltroons in all their legislative controversies with slavery. They have much more physical than moral courage. . . . What did the bold men at Chicago mean by selling the right of suffrage? The Declaration of Independence contains no such folly, no such wickedness. We can not maintain liberty by skulking." He liked stiff-backed men; they were his kindred in moral and spiritual qualities. "I wish you would say to Mr. Stevens for me," said Chief Justice Chase to a visitor who was starting to see Stevens, not long before his

death, "that when he goes out of the House he will take with him more backbone than he will leave."¹

He was not always scrupulous as to the methods of accomplishing his ends. He often supported measures to which he could not give his unqualified assent, recognizing, as he said on one occasion that "Congress is composed of men, not of angels." He sought the best attainable, and he believed that the game of "practical politics" demanded the use of means which in themselves he could not defend. In this he was guilty of the common error and folly of the so-called "practical men" of his time. He was far from being the strict moralist or purist who would stand for the absolute good regardless of the circumstances and opposition confronting him. Mr. Samuel S. Cox, of Ohio, was a party to an affair which illustrates this disposition of Stevens.

Soon after the war Mr. Stevens introduced a bill to appropriate \$800,000 to reimburse the state of Pennsylvania for expenses incurred in repelling invasions and suppressing insurrections. The bill was referred to the Committee on Appropriation, of which Stevens was chairman. Without delay he reported the bill. During the Antietam and Gettysburg campaigns bodies of troops had been organized for defense, and expense had been incurred by towns and counties, but no actual service had been performed. The appropriation was intended to provide for the payment of these expenses. There was opposition led by Dawes, of Massachusetts; Boutwell, of Massachusetts, prepared a brief for Dawes' use. When it be-

¹ Letter of Jonathan Blanchard.

came apparent that the bill would be lost, Cox, of Ohio, arose and moved to insert after the word Pennsylvania the words Maryland, West Virginia, Ohio, Indiana, Kentucky, Illinois, Missouri, Kansas and the Territory of New Mexico. Also to strike out \$800,000 and insert \$10,000,000. This brought to the support of the measure the members from all those states and the bill was passed. The Senate never acted on the bill. Boutwell was indignant at the action of the House and exclaimed to Stevens, whose seat was near to Boutwell's, "This is the most outrageous thing that I have seen on the floor of the House." Stevens doubled his fist, but not in anger, shook it in my face and said: "You rascal, if you had allowed me to have my rights I should not have been compelled to make a corrupt bargain in order to get them." "Thus," says Boutwell, "he admitted his arrangement with Cox and the character of it and laid the responsibility on me."¹

It was not parliamentary to call a man a liar in the House, but when Stevens wished to convey an impression to that effect concerning Brooks, of New York, the Democratic leader, he maintained his contention by saying that "there is nothing to the contrary but the remark of the gentleman from New York, which, I beg leave to say, is not now evidence in a court of justice."

He frequently gave vent to his feelings in profanity. On one occasion, hearing a crash of some dishes in his dining-room and knowing that something was broken, he shouted to the colored servant with impatience: "Well, —— it, what —— thing have you

¹ George S. Boutwell, *Reminiscences*, Vol. II, pp. 9 and 10.

broken now?" "I bless de Lawd," said the colored woman, "that it am not de third commandment." Stevens smiled in good humor and accepted the reproof.

His two strong stalwart colored servants were carrying him up the steps of the Capitol in his chair, as their custom was, during the last weeks of his attendance upon the House. It had been apparent for some time to those about him that he had but a short time to live. One of the servants thought Stevens seemed unusually sad one morning and ventured to ask the reason for his depression. "Oh," said Stevens, "I was thinking of your great kindness and wondering who will carry me up these steps when you two men are gone." Mr. Forney says there is nothing finer in the annals of humor than this. "Here was not only uncommon wit, but a sense of intellectual immortality."¹

The common report is that Stevens was an inveterate gambler. He played poker and other games of cards for money, as the custom was in his time and community. But he was not a professional gambler. He played from the love of the game, for the excitement and sociability of the gaming table, not from avarice or love of money, or from a purpose and desire to reap ill-gotten gains. When his friend Blanchard who was ever anxious for the welfare of Stevens' soul and who from love of Stevens never hesitated to rebuke him for his sins and errors, once inquired about his gambling Stevens told him a story of a good old Lutheran pastor in Lancaster who applied to him once

¹ *Anecdotes of Public Men*, p. 37.

to prosecute one of his own church officers for slandering him. Said Stevens, "Why, Father H., what does Hans accuse you of?" "Why, gambling." "Gambling! What did the fellow make the story out of?" The old gentleman said he was taking a friendly game in the back room of a beer saloon owned by another of his officers, and "Hans, he peeped his nose in, and vent and told that ve was gambling." "Father H.," said Stevens, "you are sure there was no money on the card table?" "Vy, shust a leedle on one corner to give interest to de game." Stevens advised the old pastor not to prosecute. "Thus you see," said Stevens to Blanchard, "how an honest man can play cards for money and not consider it gambling. I condemn the practise. But I live alone in my hotel and I play for the amusement and the excitement."

This story and apology may explain his motive in the game, but it does not reveal the extent of his sinning. The gambling spirit was strong in him and probably few men were more fond of "fighting the tiger." One acquaintance testifies to seeing him lose two thousand dollars in one night, but he was at the game again the next night. He did not carry this mania with him, however, to his later years, for Blanchard testifies that Stevens told him but a few weeks before his death that he had not touched a card at gambling in five years.

One of the familiar stories suggesting his gambling habit relates to his spontaneous contribution to a negro church in Washington. A former Vice-President, Mr. Adlai Stevenson, gives Mr. James G. Blaine

as authority for the story, that as Mr. Blaine, during his first term in Congress was walking down Pennsylvania Avenue he met Stevens coming down the steps of what was then known to be a high-toned gambling house. Immediately after his cordial greeting to Mr. Blaine, Stevens was accosted by a negro preacher who earnestly requested a contribution toward the building of a church for his people. Stevens was fresh from his earnings and promptly taking a roll of money from his vest pocket, he handed the negro a fifty dollar bill, and turning to Blaine he observed with solemn mien,

“God moves in a mysterious way
His wonders to perform.”

He was generous with his winnings as this story illustrates. He did not look upon the stakes with a selfish and grasping love of money. He was generally the victim of men who had more skill and less honor than himself, but he *won* at times, and that worried him as much as to lose. A good natured Irish friend challenged Stevens one night to a game of poker. Stevens accepted and before they arose from the table he had won the Irishman's five hundred dollars,—the whole sum that he had so laboriously saved for his wedding that was to come off the following week. Fitz had promised the bride-elect a wedding trip. He was now disconsolate, but necessity drove him to inform his intended of his losses at gambling and that he could not take her upon the extended trip which they had been so fondly anticipating. “Well,” said the girl, “don't be downcast nor discouraged;

we'll get married and take the trip anyhow, for I have money to pay the bills." On the wedding journey, but not till then as she had been enjoined, she told the happy bridegroom where she got the money for their journey,— that Mr. Stevens had brought it to her the day after Fitz had "lost" it and pressed it upon her, saying he wished her to join with him in teaching Fitz a lesson. One may feel quite sure that Stevens had another devoted friend and supporter among his Irish constituency.

It was well known that Stevens did not like the Camerons. He was displeased with Simon Cameron's presence in Lincoln's Cabinet. Cameron and Stevens represented different elements, or factions, in the Republican politics of Pennsylvania. Cameron was the original founder and boss of the modern Republican machine in that state which for crooked, dark, sordid, and debasing trickery stands unrivaled in the history of American politics. Late in Stevens' life, in the winter of 1866-7, he and Cameron, Governor Curtin, and John W. Forney were candidates for the United States Senate before the Pennsylvania Legislature. Curtin had no chance in the scramble. Forney withdrew and advocated the claims of Stevens. If the election could have been left with the people Stevens would have been elected without much concern or attention upon his part; at least, his friends so claimed. But certain members of the legislature were Cameron's henchmen. The hidden intrigues of the secret caucus were resorted to, though there was no possible danger of the election of a Democrat in the open legislature. Money was used and "men were bought as

so many oxen or asses.”¹ Stevens, although he had not been guiltless of the illegitimate use of money in his campaigns for nomination and election to Congress, could not compete with Cameron in this respect, nor did he wish to. He had never relied upon the party machine for his successes. It may have been something more than his impending defeat for the Senate by a man who could outdo him in the corrupt use of money that now brought Stevens to make a plea for the purity of elections. It is to be regretted that he was so much of a misanthrope in his politics. He was inclined to believe that all men, or at least the great majority of men, would in the last resort always be governed by their material interests and the baser influences, that sordid selfishness and not the public interest would control men. It is hard to believe that this was at heart his real philosophy. His own life belied it, and he had known and appreciated zealous and noble evangelists like his friend Blanchard, whose life of loyalty to ideals and sacrifices for a cause would serve to burn out such a belief from any man’s mind. At any rate, Stevens in his later years had come to a keener appreciation of the woful results to free institutions of the control of elections by the corrupt use of money, and he desired that his candidacy for the Senate should be conducted in the open where the

¹ Letter of Samuel Kaufman to Stevens, January 4, 1867. This letter was written, as several others from Kaufman, to urge Stevens to throw himself personally into the senatorial fight. This friend urged Stevens to investigate and expose Cameron. “Give up a little of your *niggerism* and try to ferret out dishonest government officials, no matter whom it may hit, Whig, Republican, Democrat, Rebel, Union man, Odd Fellow, or Free Mason.”

public could see and scrutinize his action and that of his friends. But Cameron managed to have the secret caucus nominate, and there he could "buy the members with his ill-gotten treasure."¹

Kaufman reminded Stevens that as a member of Congress he ought to have known "that Cameron while Secretary of War was defrauding the government out of millions by awarding contracts at large figures and dividing the spoil,—given at times to Copperhead gamblers; James Duffer, of Marietta, a notorious gambler, received a large share!" Stevens shared Kaufman's opinion that Cameron was "the most consummate scoundrel in Pennsylvania." One of the Stevens stories is to the effect that Lincoln once, in answer to Stevens' protest against an appointment for Cameron, asked Stevens if he intended to say that Cameron would steal. "Well," said Stevens, "I do not think he would steal a red hot stove." Lincoln thought this too good to keep and he told it to Cameron who demanded a retraction from Stevens. The latter, always ready to make amends, went to Lincoln and said: "Mr. Lincoln, why did you tell Mr. Cameron what I said? He is very mad and made me promise to retract. I will now do so. I believe I told you that I didn't think he would steal a red hot stove. I now take that back."

Many stories of another kind were told of Stevens in derogation of his moral life,—the kind that many men like to roll as sweet morsels under their tongue. His personal and political enemies charged him with all kinds of misdemeanors with the other sex. Ac-

¹ Letter of Kaufman, January 4, 1867.

according to these his colored housekeeper was his mistress; he was the father of mulattoes; and to his latest years he was nothing short of "a hoary, habitual, and beastly debauchee."

In this respect Stevens has but suffered the fate of many another honored public man. It will not be claimed that his life was above reproach, but impartial witnesses who knew him best would not hesitate to brand such stories, in their main content, as false and malicious slanders. So far as can be learned, but twice in his life did Stevens consent even to notice these charges. He was a man of truth. His worst enemy never charged him with lying and hypocrisy. His friends and neighbors who knew his life will generally assert that he would rest under the charges and carry them to his grave rather than to deny them falsely. But late in his life, while Stevens was at the height of his power and fame, his old friend, Jonathan Blanchard, who honored and applauded Stevens in his heated political struggles of more than thirty years before, came to him with the reports that were circulating concerning his way of living. Blanchard was like a veritable prophet in Israel who would have said without fear or favor, to courtier or king, "Now hear the word of the Lord!" He seemed determined that Stevens should hear the word of rebuke and warning for the reputed sins of his life,—licentiousness and gambling. Before the interview which he sought Blanchard wrote Stevens a letter.

"At present," he wrote, "in every part of the United States people believe that your personal life has been one

prolonged sin; that your lips have been defiled with blasphemy; your hands with gambling; and your body with women! A man in Newburyport, Massachusetts, now a Christian but then a card-playing lawyer, told me three weeks since that he had, at the card-table, heard from your mouth language fit only for an ordinary brothel, and such is the general belief. Now you owe it to yourself and to your mother's God, to leave some means of correcting this belief, if false, or to show that you have always condemned and despised yourself on account of these besetting sins!

"I have a strange hope that you are not to be lost. Though I will not insult your intelligence by arguing that 'whore-mongers and adulterers' are necessarily left outside of heaven with dogs, sorcerers and murderers, or that if you die in these sins, where Christ is, you can not come.

"But as I have studied you the last quarter of a century, you seem to me to have been at times able to say, 'With the mind I myself serve the law of God, but with the flesh the law of sin'; that, as I do, you really loathe and despise yourself on account of sins. The good you have done the country (and none have done more, if so much) is no offset for vices such as I have named above. 'God will not hold one guiltless for such violations of His law, nor ought He.' Besides, what makes bad government is bad and sinful men. If there were no vile men there would be no bad government.

"But if you will say *now*, at the eleventh hour of life, and just ready to strike twelve;—if, even now, you will go to Christ, He has all the power in Heaven and earth and can make your scarlet sins white! I have loved and followed you with a strange fascination. I have prayed and do still pray for you with a terrible earnestness, and now I bid you farewell."

This letter was written by Blanchard from Washington, February 15, 1865. The brave and faithful preacher of righteousness wrote thus to Stevens after

visiting him for the purpose of soliciting funds for a college!¹ He had made it clear to Stevens that he would not waive his religion to secure Stevens' friendship, and while disclaiming any knowledge of the truth or falsehood of the charges to which he referred, he sought Stevens' help, as he told him in fullest candor, as "that of a wicked man of influence in behalf of a good cause which it was for his interest to serve."

Blanchard afterward learned and acknowledged the injustice of much that was implied in this private letter, and he reports the following words in Stevens' reply.

"This is the first line or word I have ever penned in explanation of my conduct as assailed by my enemies. Probably as between us and our Creator, all of us are somewhat deficient. I know I am deplorably so. But as to my fellow men, I hope so to live that no one shall ever be wronged, or suffer on my account."

"I believe," added Blanchard, "that his confession was as sincere as his purpose was magnanimous." When he wrote his remarkable letter Blanchard did not know how Stevens, very early in his political career, had prosecuted and closed up a Democratic newspaper for charging him with licentiousness and indecent blasphemy. He had been charged among other coarse and indecent things with "administering the sacrament to a dog." "I have allowed slanderers," continued Stevens in his reply, "to say what they pleased. I made up my mind not to answer anything till I saw this charge. That was a little too much. I knew if my mother saw that and had any idea that it

¹ Wheaton College, in Illinois.

was true it would break her heart. I pursued and brought the slanderers to the door of the prison and then the Governor pardoned them out."

Again two years later, September 14, 1867, being earnestly urged for public reasons, he wrote to a confidential friend,

"Perhaps no man in the state has received more slanders or been charged with more vices or malignant crimes than I have. It has been my misfortune for forty years to be a bitter object of attack by violent politicians. I have seldom noticed them,—never to contradict them unless they affected my moral character aside from politics or unless a contradiction was required by the interest of others. You tell me the charge may influence the next election; hence I notice it."

He then made full denial of certain specific charges brought against his private life, and continued:

"This is a larger disclosure than, I believe, I have ever made before of my private affairs, and I have done it now only out of what you think is required by public affairs.

"These calumnies, and worse, have been perennially published all around me, by fellows living within sight of my door. I know of no one who has believed any of them, or scarcely pretended to believe them."

He was accused of being coarse and contemptuous toward all religion and of always "sitting in the seat of the scornful." In fact, he had no scorn nor contempt for true religion. He was not a Christian in the churchly or orthodox sense. But for true piety and humility, for holy sacrifice and service, for Christian living and the ideals of the Christian, he had a deep and sincere respect. When Blanchard asked him in

his last interview what he thought of Christ, he said, "Why, to know Him and not to love Him a man must be a brute indeed, but whether I do or not God is my judge."

He was accused of drunkenness. Instead, he was a man of sobriety. In his early life he had been a drinker. But one night, after a carousal with some companions, he made up his mind to drink no more, and by his own testimony, for the last thirty years of his life not a drop of intoxicating liquors passed his lips except by the prescription of a physician, and then, he said, he took "the stuff" with distaste and reluctance.

He was, indeed, a man of serious shortcomings and imperfections. His life was in the limelight and in public strife with men. He could not, therefore, escape reproaches that his fellow-sinners escaped. As he was great in his virtues his vices may have appeared correspondingly great, but that he was especially darker in his moral life than the men of his place and time is not believed by those who lived by him through a long period of years.¹ It is sufficient, after noticing the tales of slander about his life, to let his denial and the respect of his neighbors and friends stand against hateful and irresponsible accusation. "It should be remembered that the life of public men is a life of calumny and misery. When therefore they have retired let their good deeds be inscribed on tables of brass and over their errors be thrown the mantle of oblivion." In these words of Stevens himself, uttered early in his career while pleading in the Pennsylvania

¹ Conversations with citizens of Lancaster.

Legislature for a School of Liberal Arts for his adopted commonwealth, one finds expressed a fair criterion for dealing with the character of public men.

The chief theme of the biographer is the public life of his subject, what he contributed through public speech, influence, and policy to the welfare and to the history of his country, and what factors in his character prompted him so to do. Like most great leaders who guide the destinies of contending parties in a crisis of revolutionary strife, Stevens' character has been the subject of most divergent views. To his admirers he was brave and lion-hearted, ready, without thought of self, to sacrifice life and fortune and the favor of his fellow men for the sake of noble purposes and high ideals. To his detractors he was but little short of a monster, who, reckless of his country's welfare, deformed in body and misanthropic in spirit, found a keen and malicious pleasure in inflicting injury upon those whom he hated.

It is obvious that neither of these extreme views of the man is worthy of acceptance. It is undoubtedly the verdict of history that Stevens indulged too long and too intensely the heat and wrath and hate engendered by a bloody civil war. This aspect of his public life, during a divided and distressing period of his country's history, has made him appear as altogether implacable and unforgiving. But his hatreds were not personal, and the enemies whom he faced in heat and passion were, as he thought, not his own enemies, but the enemies of his country, the enemies of a righteous and noble cause. It was for this sake and not for his own that he used the language of de-

nunciation. He must be judged not by the feeling and disposition of these later and happier times of peace, reconciliation, and good will between the sections, but by the times of strife and passion in which he lived.

There was, no doubt, nobility and greatness in Stevens' character. He brought to his country's service learning and eloquence, firmness of will, directness and tenacity of purpose, the noblest courage, and a fine and consuming scorn and contempt for evasion and hypocrisy and the low arts of political tricksters. He was an unrelenting foe to every form of tyranny over the minds of men. He was a man of great mind and clear vision, to a degree quite rare among men, and, what is rarer still, he had the courage to assert his mind and to follow his vision. The time-server and the trimmer stepped aside to let him pass. Amid the greatest changes that ever occurred in any decade of our national life, facing the detraction of enemies, the timidity of friends, the corruption and tyranny of power, and the cowardice of party, he stood with Puritan and Spartan firmness for a definite end, the goal of equity and justice that had been fixed for him by his unwavering democratic faith. Indifferent to praise or blame where his cause was at stake; unmoved by considerations of rank, title, wealth, or position, selfish motives did not animate his public conduct. The selfishness that was in him, as it is in all men, was not of the mean and miserly kind. While seeking his own interest and his own end in private life he would not defraud and oppress his neighbor. His selfishness in public life also was of the nobler kind. While he frequently sought place and power, not in honor preferring oth-

ers, but crushing them or pushing them aside, sometimes with seeming meanness sacrificing his friends; and while, in natural vanity, he was possessed of a strong love of prominence and public praise, yet he pursued his ends and sought place and power not chiefly for his own glory, but that he might elevate his country and lift up the mass of downtrodden humanity which he saw around him.

He was not a saint by any means; but like Cromwell, who was in many ways his prototype, he was ready to be painted as he was. "I am just what I am whether you like me or not," he said. In spite of the defects of his character — and they were many — it seems clear to those who study his life that the motives and aims that impelled him to speak and fight and labor and spend himself for his cause were not mean nor selfish. His detractors were generally little men of conventional opinion, without vision or the spirit that would lead them to do battle and sacrifice for a cause. Stevens, on the other hand, was a man of large mold and of great purposes, who was striving with his whole soul, to carve other and better channels for the life of society, pursuing steadily, without variation or shadow of turning, the two great purposes of his public life, the unity of the nation and the freedom of the slave.

"He was undoubtedly, all things considered," says Mr. Forney, "the ablest parliamentary leader of his time. Tall in stature,¹ deliberate in utterance and in

¹ Stevens was five feet eleven inches tall, clear, ruddy, smooth of skin, a fine horseman, an excellent swimmer, and fond of the chase. A. H. Hood, *History of Lancaster County*.

gesticulation, and with a massive head and features so remarkable that no one who saw him once could ever forget him, his whole presence conveyed the idea of dignity and force. His forehead was uncommonly high and broad, his features were bold and striking, his brows projecting and his cavernous eyes bright and piercing and full of expression. He was simple and direct in conversation, and when he listened he looked, as it were, into the very soul of the talker, piercing through duplicity and laying bare deceit.”¹

In the chief cemeteries of Lancaster it was stipulated by charter that no person of color should be interred therein. Stevens had lots in both cemeteries, but he sent back the deeds, preferring to be laid to rest in Shreiner’s cemetery, a private and humble burying-ground not far from the center of Lancaster and near one of its public schools. There on a worthy monument erected to his memory the visitor may read these characteristic words composed for his epitaph by the Great Democratic Commoner himself:

I repose in this quiet and secluded spot,
Not from any natural preference for solitude,
But finding other cemeteries limited by charter rules
as to race,
I have chosen this that I might illustrate
in my death
The principles which I advocated through
a long life,
Equality of man before his Creator.

He died as he lived, the relentless foe of Privilege, the uncompromising advocate of Democracy,—of

¹ *Philadelphia Press*, August 12, 1868.

equal rights for all and special privileges for none beneath the law. "I know not what record of sin awaits me in the other world, but this I know,—that I have never been guilty of despising a man because he was poor, because he was ignorant, or because he was black." These words fitly apply to the life and character of Thaddeus Stevens.¹ Before all else he stood for liberty and the equal rights of men. To this faith he bore his consistent testimony from early life to the open grave and beyond. No truer democrat, no abler advocate of popular rights, ever stood in American legislative halls.

¹ Attributed to Governor John A. Andrew, of Massachusetts.

THE END

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